DOCUMENT RESUME

ED 128 816 CS 202 931

TITLE	Broadcast Advertising and Children; Hearings before the Subcommittee on Communications of the Committee on Interstate and Foreign Commerce, House of Representatives, 94th Congress, First Session, July 14-17, 1975.
INSTITUTION	Congress of the U. S., Washington, D. C. House Committee on Interstate and Foreign Commerce.
PUB DATE	Jul 75
NOTE	501p.; Not available in hard copy due to marginal legibility of original document
EDRS PRICE	MF-$1.00 Plus Postage. HC Not Available from EDRS.
DESCRIPTORS	*Broadcast Industry; *Children; Elementary Secondary Education; *Government Role; Mass Media; *Programing (Broadcast); *Publicize; Radio; Television; Television Commercials
IDENTIFIERS	Federal Communications Commission; Federal Trade Commission; House Subcommittee on Communications

ABSTRACT

The committee examined testimony concerning the problems associated with broadcast advertising directed toward children, the amount and content of such advertising, and the regulatory functions of the Federal Communications Commission and the Federal Trade Commission in this area. (KS)

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BROADCAST ADVERTISING AND CHILDREN

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HEARINGS

BEFORE THE

SUBCOMMITTEE ON COMMUNICATIONS

OF THE

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE HOUSE OF REPRESENTATIVES

NINETY-FOURTH CONGRESS

FIRST SESSION

ON

THE PROBLEMS ASSOCIATED WITH BROADCAST ADVERTISING DIRECTED TOWARD CHILDREN, THE AMOUNT OF SUCH ADVERTISING AND ITS CONTENT AND THE REGULATORY FUNCTIONS OF THE FEDERAL COMMUNICATIONS COMMISSION AND THE FEDERAL TRADE COMMISSION

JULY 14, 15, 16, AND 17, 1975

Serial No. 94-53

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U.S. GOVERNMENT PRINTING OFFICE
69-374 WASHINKTON : 1976

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Westinghouse Broadcasting Co., Inc.:
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    Dunlop, Wallace, vice president—Washington, D.C.
    Lane, John D., Washington counsel.
    McGannon, Donald H., president and chairman of the board.

BROADCAST ADVERTISING AND CHILDREN

MONDAY, JULY 14, 1975

House of Representatives,
Subcommittee on Communications,
Committee on Interstate and Foreign Commerce,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to notice, in room 2322, Rayburn House Office Building, Hon. Torbert H. Macdonald, chairman, presiding.

Mr. Macdonald. The hearing will be in order. Today we begin 4 days of hearings into the subject of broadcast advertising as it relates to children.

At the outset, I would like to emphasize that we are not going into the subject of television programing which is directed toward children, or even the recently announced so-called family viewing period that is to begin on the networks this fall. These are subjects that I intend to turn to at a later date, perhaps sometime this fall when we have had an opportunity to look at the realities between what the networks have discussed and what they are doing with family viewing.

In these 4 days of hearings this week, we hope to focus on the problems associated with broadcast advertising directed toward children. I am interested in both the amount of such advertising and its content. I am interested in what the two major Government agencies in this field have been doing and what they haven't been doing, namely, the Federal Communications Commission and the Federal Trade Commission. I am interested in what the public interest groups have to say—are they, for example, satisfied with the FCC's policy statement of last October? I would have also been very interested to hear what the advertisers have to say except that, though they received invitations from this subcommittee, both verbal and written, they have flatly refused to appear. I am, of course, very interested in what the broadcasters and the trade associations have to say about this problem.

I think that it is proper to characterize the subject of advertising to children as having become a problem. It is a problem that has been around for some time and one that has been the focus of some Government attention for the last 5 or 6 years. However, these are the only hearings in which the problem is going to be looked at as a whole, and perhaps unlike our sometimes criticized lack of energy policy, the Congress as a whole, instead of doing it in bits and pieces, will have a cohesive program.

Many people have criticized advertising, but I think that it is important to remember it is the oil by which the machinery of commercial broadcasting works in this country. But the profit motive should not be accepted as the only driving force. It is a fact that children are a special group in this country and deserve special attention and protection—especially in the area of advertising.

I note with some satisfaction that the broadcasters themselves have made moves to reduce the amount of commercials in children's programing. I also note that there have been some improvements in the kinds of products that are advertised to children. So it seems clear to me that this has not been a static problem—there have been some changes made for the better, but that does not necessarily mean that we should be sanguine about the future.

With that, let us begin today's session. First, we will hear from Mr. Don McGannon, chairman and president of Group W Broadcasting. Mr. McGannon is one of this country's leading broadcasters, whose stations sell only 6 minutes of commercials per hour in children's programing compared to 12 minutes or more by most other broadcasters.

Then we will hear from Ms. Peggy Charren, president of Action for Children's Television, a group that has accomplished a great deal of improvement in the areas of advertising and programing to children, and to my knowledge has been the most active group of any of the concerned groups in our country and have acted closely with the FCC.

Our third witness will be Mr. Robert Choate, who is chairman of the Council on Children, Media, and Merchandising, and who has done much research in the area of the potential harmful effects that advertising might have when directed toward children, and whose thoughts this subcommittee is looking forward to in developing further legislation.

First, however, Mr. Frey, the ranking minority member of the subcommittee, has a statement he wishes to make.

Mr. **Frey**. Thank you, Mr. Chairman. I would like to commend you for calling these hearings to explore the questions of the effects that advertising has on children, a question about which I've been concerned for many years, both as a member of this committee and as a father of five children.

When I testified before the Federal Trade Commission in 1971, I stressed not only my concern with the overall issue of children's advertising, but also the necessity to know all of the facts before this question, or any other matter, can be reasonably approached. Although progress has been made, much is left to be done. Many facts are still unknown.

Hopefully, these hearings will provide us with the facts, or at least will focus our attention in a particular direction so that we all will know the areas in which the research must take place.

I believe that this is a delicate issue in which we must proceed cautiously, balancing the interests of the public, the children, the broadcasters and the advertisers. Therefore, we must have the facts before us so that we know exactly what the causal relationship is between advertising and a child's behavior.

Whether or not we are able to discover all of the necessary facts as a result of these hearings, hopefully, they will have a positive impact by bringing together those concerned with the issue, the regulatory agencies, the industry and citizens groups. I am disappointed that the advertisers did not deem it necessary to appear.

Last year I expressed to Chairman Engman of the FTC my preference for a self-regulation approach to this problem. While I favor self-regulation for its flexibility as opposed to the rigidity of regulations, I do not feel that enough has been done in the area of children's advertising. The fact that the NAB code addresses itself to advertisement during programs primarily designed for children and during specified time periods is not sufficient.

I believe that a stronger code may be one of the many necessary components in the answer to this complex problem.

There are other components to that answer such as effective packaging to prevent children from opening the containers of products which adults use daily, without thinking about the danger those products pose to their children. Certainly not the least of these components is proper parental supervision of a child's television viewing, as well as other daily activities.

As you know, I have been very involved in the search for an answer to the drug problem faced by our country. Not only is the subject of children's advertising closely related to that problem, insofar as abuse of some over-the-counter drugs by children has been attributed to advertising, but the two problems are alike in their complexity. There are no simple solutions.

I will be very interested to hear the various approaches to this problem which I'm sure will be presented to this subcommittee by those persons testifying before it during the course of these hearings.

Mr. Chairman, let me again stress that we must proceed cautiously in dealing with this issue, for not only are there interests on both sides to be weighed in the balance of our constitutional system, but the public interest demands that we establish, in dealing with this issue, a precedent that can be followed in dealing with many other serious and similar issues. Such issues obviously include those of the nature of children's programing and the amount of sex and violence to be condoned in television programing. When, and if, we deal with those issues, the decisions we reach as a result of these hearings may greatly influence our approach.

Let us be reasonable and concerned, but let us not urge agency regulation and Government intervention as a panacea.

Mr. WIRTH. Mr. Chairman, I would like to, if I might, also make a short statement preceding the witnesses.

Mr. MACDONALD. Go ahead.

Mr. WIRTH. As you and many others in this room know, I am today introducing a bill, entitled the Children's Fair Advertising Practices Act. The bill is clearly in harmony with the purpose of this hearing, but should in no way be regarded as the only tune to be played here.

While it is, I believe, a thoughtful proposal, it is but one way of addressing the subject of our deliberations this week. Modifications and alternatives will doubtless be suggested by members of the subcommittee and by the distinguished witnesses who will appear before us.

In the course of working up this bill, I and members of my staff spoke with people from public interest groups, including the admirable and tireless Robert Choate, who is scheduled to give us his advice today. We also solicited comments and thoughts from representatives of the broadcast industry and we received aid and encouragement from you, Mr. Chairman, and from the able counsel for the full Commerce Committee and for this subcommittee.

In all these discussions, we could hardly fail to note that the public interest groups and broadcast advertising industry do not exactly see eye to eye on the issue of children and advertising. The industry argues that its self-regulatory schemes are functioning well, and it claims that if an advertisement or advertising practice was shown to be specially deceptive or harmful to children, broadcasters themselves would be the first to call a halt to the offender.

The public interest groups, on the other hand, assert that self-regulation does not work, either because it is not extensive enough, or because it has no enforcement mechanisms, or both. Some say that children's minds are so vulnerable to infiltration by sophisticated advertising that commercials should be placed beyond the reach of children. Others say simply that certain advertisements or advertising practices should be restricted or prohibited.

The sad fact is, as we found out in working up legislation, that very little is known about how children perceive advertising, particularly advertising ostensibly aimed at adults. Does it deceive them? Does it make hazardous products attractive to them? And if so, as is entirely possible, does actual harm follow? A central question seems to be, Is there a causal effect between advertising on television and the use or abuse of those advertised products by children?

I look forward to having these questions partially answered, or at least clarified, during these hearings. My own skepticism about the immediate availability of complete answers is obvious, inasmuch as my bill is based on the premise that full-scale research must precede regulation of advertising shown to children. Beyond that skepticism, I approach the hearings only with a bias in favor of healthy children.

If there is a conflict between advocates of various positions, let's do our best to resolve it. Let's at least agree on those areas where we may disagree, and then attack those areas. This analytic process—a major purpose of these hearings—should always be at the heart of the development of good public policy.

Finally, I should add that I assume that we all start from the assumption that children are our most precious natural resource, to be cherished, nurtured, and carefully developed. Part of that development is paying attention to the mental environment in which children live and grow; and this environment clearly includes television. Thank you, Mr. Chairman.

Mr. MACDONALD. Thank you very much, Mr. Wirth.

I would like first of all to say that our first witness went to a good deal of difficulty, shall we say, in coming here. I know of his busy schedule, and I also know that he postponed a long-range trip to do so. I don't know exactly the destination of the trip, but I do know that it was not a minor one.

We of the committee certainly appreciate your thoughtfulness and your willingness to be of assistance to us and bring to us, as you will, your experience as a well-known and well-thought-of broadcaster.

I also have noticed that you have brought with you a former manager of a Group W station in Boston. It has been my pleasure to have met him. Would you introduce the other gentlemen you have with you?

STATEMENT OF DONALD H. McGANNON, PRESIDENT AND CHAIRMAN OF THE BOARD, WESTINGHOUSE BROADCASTING CO., INC.; ACCOMPANIED BY WALLACE DUNLOP, VICE PRESIDENT, WASHINGTON, D.C.; WINTHROP BAKER, PRESIDENT, STATION WBS–TV; AND JOHN D. LANE, WASHINGTON COUNSEL

Mr. McGANNON. Mr. Chairman and members of the subcommittee, I am indeed pleased to be here with you, and there was no great problem except some rescheduling, and I wouldn't have had it otherwise than to participate in this meeting.

On my left is Winthrop Baker, who is president of our television station, former general manager of WBS–TV. On my right is John Lane, a member of Hedrick & Lane, Washington counsel to Group W and immediately on his right to Wallace Dunlop, who is our vice president in Washington.

Mr. MACDONALD. And as I recall, also of Boston.

Mr. McGANNON. I appreciate this change to discuss with you our views and experiences in the matter of programing content and commercial content of television as relates to young people.

While it might be overstated or superfluous, television is one of the most powerful social forces in our society. It is also fair to state that the impact of this medium is greatest on the young whose relative lack of sophistication and experience makes them a cause of special concern to us as a society and I might add, on us as a medium.

In your letter of invitation, you ask for comments concerning self-regulatory efforts. Let me say initially that, as a general proposition, placing responsibility on the industry for development of standards is the most appropriate and feasible method for dealing with television content in a free and open society.

While I am sorry to report that self-regulation has not been truly effective to date, I do not favor additional Federal regulation. I say this not only because of the inherent constitutional problems, but also because in the long run I believe it would be counterproductive.

Nor should additional regulation be necessary. Governmental agencies such as the FCC and FTC now have ample statutory powers, in my opinion, to deal with serious abuses. The FTC has taken an expansive view of its power to deal with false and misleading advertising. The FCC has broad powers to issue licenses as the public interest requires. If a broadcaster's programing and advertising practices are found not to be in the public interest, the Commission would be unable to make the public interest finding which is the prerequisite to the issuance of a license.

Hence, in my opinion, bigger Government and more regulation is not the answer. Rather, the role of the Federal Government in this area should be primarily that of a catalyst—providing leadership and reflecting public concern, need, and direction. In short, making sure that broadcasters understand their responsibilities to the public and fulfill them.

Exercising the type of leadership alluded to above, the present chairman of the FCC, Mr. Richard Wiley, following on a beginning by his predecessor, effected the only change in commercial content in children's programs, to the best of my knowledge, in a quarter of a century. While I credit the efforts of the chairman, the industry did not fully respond. The limitations are not tight enough and it is taking too long to implement them.

I must note in this context, that in 1970, Group W developed and instituted policies covering periods called "prime time for children." Briefly summarized, the specific content standards for Group W programs include the following:

First, on-the-air personalities and performers appearing in children's programs are not permitted to deliver or participate in commercial messages.

Second, the commercial content of children's programs must be separate, identifiable segments which do not relate to program content.

Third, overly aggressive advertising which is specifically intended to entice children to desire a product by misrepresenting the product's qualities or attributes is not permitted. What is false, misleading, or deceptive is judged in relation to the relatively unsophisticated and immature character of the younger audience.

Next, advertising for certain types of products, such as drugs, beer, wine, or motion pictures unsuitable for children, is not permitted during a children's program.

Finally, promotional announcements for programs not suited for younger viewing are not permitted in children's programs.

Group W has also developed special restrictions on the amount of commercial advertising which may appear within a children's program under its control. Our policy limits commercial content in a children's program to three minutes per ½ hour or 6 minutes per hour, exclusive of station breaks.

This policy further requires that commercial announcement interruptions are in "islands" at the beginning and end of the program so that they do not unnecessarily or excessively interrupt the content of the program.

The following chart compares Group W standards with those recently enacted by the NAB Code Board and illustrates my contention that the code still does not go far enough:

COMMERCIAL STANDARDS—CHILDREN'S PROGRAMS

GROUP W	NAB CODE
NON-PROGRAM MATERIAL	
3 minutes for half-hour programs (plus a station break of no more than 1 minute, 15 seconds)	*Saturday & Sunday* 10 minutes per clock hour (9½ minutes as of 1/76)
6 minutes for one-hour programs (plus 2 station breaks of no more than 1 minute, 15 seconds)	*Weekdays* 14 minutes per clock hour (12 minutes as of 1/76)

POSITIONING OF COMMERCIALS

Half-hour programs	*Half-hour programs*
No interruption within program. Commercials clustered only at opening and close, in groups not to exceed two minutes per cluster.	Two in-program interruptions permitted plus commercials at opening and close.
One-hour programs	*One-hour programs*
Same as above except for one additional commercial interruption at "natural break" in program continuity plus a station break, when applicable.	Four in-program interruptions permitted plus commercials at opening and close.

On the left side of the chart you see the fact that in a half-hour period, 3 minutes is allowed plus a station break of 1 minute and 15 seconds, which is a total of 4¼ minutes.

In the 6 minutes per hour program, which was the Earth Lab situation, there are 6 minutes of commercial time allowed plus one station break of not more than 1 minute and 15 seconds or 7¼ minutes. Formerly the code's amount was 12 minutes including station breaks. In the interim statement it is 10 minutes and in the beginning of 1976 it will be 9½ minutes including station breaks which is approximately 2¼ minutes more than Group W standards and that is only for Saturdays and Sundays.

When you look at weekdays, the formerly 16 minutes allowed already has been reduced to 12 minutes or to 14 minutes at the present time or 12 minutes as of January 6, 1976.

On the positioning of commercials, in the half-hour program the Group W policy does not countenance any interruption within the program and the commercials are in clusters at the beginning and end in groups not to exceed 2 minutes per cluster.

In the 1-hour program the same situation prevails except the commercial interruption will be at a natural break in the program content; somewhere in the middle plus a station break where applicable. In the NAB proposed code revisions, there are two in-program interruptions plus commercials at the opening and close and in the 1-hour program, four in-program interruptions plus commercials in the opening and close.

I want to add at this time somewhat gratuitously, however, that there are other ways in which Group W has a more contained commercial content than the industry or the code allowed in the talk/variety programs.

This next chart shows the regular commercial content in four popular talk-variety programs and the code limit.

COMMERCIAL STANDARDS

TALK-VARIETY PROGRAMS (90-MINUTES)

Mike Douglas Show, 13 minutes plus one 70-second station break.
Johnny Carson Show, 18 minutes plus two 70-second station breaks.
Dinah Shore Show, 18 minutes plus one 80-second station break.
Merv Griffin Show, 16 minutes plus one 70-second station break.
NAB Code, 24 minutes, including station breaks.

You will note that the Mike Douglas Show which is shown on our station runs 13 minutes and a 70-second station break. Carson rates 18 and a similar break. Dinah, 18 and one 80-second, Merv Griffin, 16 and one 70-second, and the NAB Code allows 24 minutes, including station breaks.

Now, this obvious difference between Douglas and the rest of the code I think is germane in considering the economic consideration.

From our experience, decreased commercial content can have some countervailing advantages. We feel that we have enjoyed special recognition from advertising agencies in placing schedules because of the lower level of commercial content.

In discussing children and industry standards, I would be derelict, even though it does not express or call for in our invitation, if I did not mention program content and issues of crime, violence, and adult content. The industry should deeply regret what occurred last season. The quantum of violence and the percentage of action formats reached an alltime high—and next season doesn't promise to be any better.

Again the efforts of Chairman Wiley were innovative and reflected leadership and concern. However, the family viewing concept fails to recognize the hard realities of children's viewing habit. Young people view television throughout the television day and night and studies show that 94 percent of children between 6 and 11 years of age view an average of 6 hours of television per week in the 7:30 p.m. to 9 p.m. period.

In turn, 82 percent of these same children 6 to 11 years of age view an average of 3 hours per week in the 9 p.m. to 11 p.m. period, which is the so-called family viewing hour. This automatically dilutes, in my opinion, to a serious degree the family viewing concept in efficacy. It is also reasonable to expect that viewing levels of these young people in the second group will rise in the 9 p.m. to 11 p.m. period when all of the action programing, as it apparently is going to be, will fall into that bloc.

I feel at this point that the FCC should reaffirm a very basic proposition which seems to have been forgotten or disregarded or not regarded seriously in recent years. This is that local stations are responsible to their public for all programs, including network programs. Coupled with such a reaffirmation should be a directive to the networks that affiliates must be given a reasonable period of time, not less than 6 weeks, to be able to have access to and to preview shows so that they may at least be individually aware of them. Local stations need this time in order to not only review the program, but to schedule adequate and valid substitute programing. If such an opportunity is denied to a local station, then the legal proposition of licensee responsibility has a very limited meaning.

Our views and concerns regarding the effectiveness of self-regulation I fear are well known at this point. The problem goes back in our minds almost a decade and resulted in our resignation from the television Code of the NAB as a gesture of protest. This occurred in January 1969. I am attaching to this testimony a copy of the letter of resignation and the reason for it at that time. Recently, Group W was invited back under the alternative of being denied membership in the NAB, but we reviewed the situation, and our feelings and commitments were such that we had to decline the invitation, despite the loss of membership. A copy of that decline is also attached to this testimony.

Now; while self-regulation has not worked effectively, I repeat my conviction that it can work when and if the industry wants it to work effectively. Hopefully, the interest and concern that you, Mr. Chairman, and your fellow members of Congress are demonstrating today, will force a reassessment of these problems by the industry.

With a change in our method of operation, I think with a serious resolve on the part of the industry, the hunger and interest of the American public for television can be fulfilled, but with realism on the one hand, but also appropriate restraint on the other—and the quest for action which seems to be so great in our public can be had in the context of good taste and basic balance. Mr. Chairman, I submit these comments to you.

Mr. MACDONALD. Fine; and without objection, both your attached letters will be admitted at this point in the record.

[The letters referred to follow:]

WESTINGHOUSE BROADCASTING CO., INC.,
New York, N.Y., January 31, 1969.

Mr. VINCENT T. WASILEWSKI,
President, National Association of Broadcasters,

Mr. ROBERT FERGUSON,
Chairman, Television Code Review Board, Washington, D.C.

DEAR VINCE AND BOB: I am addressing this letter to you both because the subject area involved spans the functions and responsibilities of both the NAB and the Code. I do this appreciating the "independent" membership and functions of each organization but also the realism of the identity of leadership and policy formation.

My views about and commitments to a dynamic and effective Code of self-regulation have been publicly voiced in numerous forms over many years. My conviction is no less strong today. I believe that in a medium and art form such as television which has such pervasive power and such unlimited potential, the responsible elements of the industry are the only really qualified persons to effectively regulate it. This fact is so true, however, that there is a parallel relationship between the vital effectiveness of the self-regulation and the freedom of the medium—or perhaps the right of the medium to be free.

It is well-known that the critics of this medium and those who ideologically don't want television to be free, have long since argued that the Code is a "facade" and is not a means of self-discipline on which the public or its governmental representatives can prudently rely. I have argued strenuously against these critics—I don't feel I can argue truthfully or effectively any longer.

It is a fair to say that over this past decade, television has matured as a medium and with this maturity has come a myriad of new and different problems. These span the whole spectrum of violence in programming, the long-standing issue of over-commercialization now compounded by the power of *two*, the problems of the city, the minorities and youth generally, the acceptability of product categories, new and old, the balanced and effective coverage of demonstrations, dissent and a war being presented live and in color and many more. These problems are very sensitive, almost imponderable and in many cases defiant of codification of quantitative rules or guidelines. Despite these "hang-ups," I feel our industry must undertake the effort and be responsible even if it fails to reach a resolution in some cases.

The question can properly be asked—"*Who should do this?*"

The networks? Despite their size and creative capabilities and their meaningful accomplishments, they are inhibited because of their very attributes. They are legal and public reasons that prevent such an undertaking because of the resultant interpretation of dominance or over-influencing or the allegation of either.

The groups? A lower scale of the inhibitions that plague the networks are at work here. Furthermore, any conclusions reached cannot be effective with the established industry structure unless the networks and many individual stations ultimatly embrace these results.

The individual stations? Obviously, such a task is not achievable in the absence of a framework and vehicle into which these stations and all elements fit and can properly work together in the public interest and for the continued development of the industry.

I believe this structure or vehicle is the National Association of Broadcasters and/or the Television Code depending on the nature of the problem.

It is my conclusion (despite my desire that it were otherwise) that there has been a default on the part of the NAB and Code over the past several years in effectively addressing these problems. To aggravate the situation, the Code has been permitted to become a progressively more and more static, phlegmatic entity. Let me cite a couple of specifics:

(a) Several years ago the industry was confronted with the introduction of the piggy-back commercial, i.e. the presentation of a second message with the framework of a commercial position (most often 60 sec.). Initially they existed for different versions of the same product, or different brands of the same product, then there was the "integrated commercial," and then the shared commercial, etc., etc., etc.

Cutting through the laborious but futile evaluation of this problem, today the public is confronted with not only a limited expansion of commercial positions but the establishment of the 30 sec. commercial as the basic unit. In other words, there has been a 100% increase in commercialization over the number of 60 sec. units that were so widely used a few years ago. The problem of "clutter" is not heard of much any more. Previously, it existed at the station breaks but now it exists throughout the programs.

I fully appreciate the problem of determining the ideal level of commercial content or when it becomes excessive. I believe the problem should have been contained and determined at the level that existed ten years ago. I, for one, feel the current level is *excessive* and an imposition on the public. As a pragmatic secondary consideration, it has also had a diluting effect on the value of television as an advertising medium. (See my telegram of September 21, 1967 on this subject.) It should be noted that no affiliated local station or group could have effectively resisted this movement without an industry-wide position because of the commercial content of the program fed to it from the networks and the resulting dichotomy between local and network commercial content.

I don't believe this should ever have happened!

(b) The matter of intimately personal products has been with us for a long time. These were determined to be unacceptable for use on television in the late fifties.

The recent action of the Television Board in reinstating these products as a class and specifically to include female hygiene items, I view as a the "last straw." I don't view this as a single situation but as a culmination in the context of the matters and attitudes I described above. The practical problem facing local affiliated stations is *very serious*. One of the networks is feeding these commercials already; one is standing resolute and I hope they will stick to this position; the third tends to be too silent to offer any encouragement. We have now crossed over the line where there is no practical obstacle to products being aired on television irrespective of their *personal*, *intimate*, or sensitive nature and in any quantity of messages depending on subsequent segmentation.

The only forbidden product category is liquor.

These are the reasons, Vince and Bob, that Westinghouse Broadcasting must, most regrettably, withdraw from membership in the Television Code. In the face of our inability to defend it proudly, to remain in membership would be misleading and ingenuine.

I hasten to assure you that a program of self-regulation will be practiced by our stations that is more stringent and effective and enhance by the extension of our long-standing but limited policy regulations into the full spectrum of issues covered by the Television Code.

I further urge you to undertake an aggressive effort on the part of the NAB and/or the Code whichever is appropriate in the following critical areas:

(a) Employment of minorities within the industry. While some work has been done, the whole social question is critical and worthy of an industry commitment and an industry-wide crash effort. Group W will *energetically* support this.

(b) A decision by the industry prohibiting any further segmentation of commerical positions into smaller time units (for example, a 30 sec. position into 2–15 sec. *or* 1–20 sec. and 1–10 sec. or a 60 sec. position into 4–15 sec., 3–20 sec. or 6–10 secs. This must be done now before it progresses beyond the point of return. It should further undertake a serious examination of a *lower* and *validated* acceptable level of commercial content. Group W will *vigorously* support this.

(c) Pursue and study continuing dialogue on the proper bonds of violence in in program content. I repeat my understanding of the difficulty of this task but I don't feel this justifies inaction. The best and most diverse brains of our community should begin and continue to pursue this serious matter even if it ultimately turns out to be futile. Group W will *fully* support this.

(d) An industry-wide effort in the creative programming field is sorely needed. Our industry has little or no running exploration or development of new and different program ideas despite its great need. I urge you to mount a yearly seminar at the Annual NAB Convention (and parallel in meaning and quality to the Engineering Conference) that would bring together the creative people for discussions on programming, and its diversification. Group W would also support this as it offered to do years ago as outlined in the attached letter to LeRoy Collins who wholeheartedly supported it but failed to garner support.

I'm sorry this is so long. I will work with you both in achieving these ends (even including rejoining a revitalized Code) to the full measure of our capabilities.

Kindest regards.

Sincerely,

Donald H. McGannon,
President and Chairman of the Board.

Westinghouse Broadcasting Co., Inc.,
New York, N.Y., June 27, 1975.

Mr. Walter Bartlett,
Senior Vice President—Television, Avco Corp.,
Cincinnati, Ohio

Mr. Wilson Wearn,
President, Multi-Media Broadcasting,
Greenville, S.C.

Dear Walter and Wilson: I appreciated your taking the time to come to New York last Friday with Vince (to whom I'm sending a carbon of this letter) to discuss the recent action of the Television Board concerning Code membership.

I have thought about the matter a great deal since and discussed it with my associates. We find we are on the "horns of a dilemma." I dug out the correspondence that was sent several years ago with the factors and reasoning that caused Group W then to resign from the Television Code. I was surprised to see that 6½ years had elapsed. I was not surprised to see however how little our attitude had changed, except for the topical items, i.e., 30-second announcements and Preparation H. The thrust of the remaining attitudes are as pertinent today as they were in 1969—if not more so. I'm enclosing a copy of my earlier letter for your information if you have not read it before.

The horns of the dilemma I alluded to are these; (1) on the one hand—Group W resigned from the Television Code because we did not think it was an effective, functioning entity and, as a consequence, out of protest and with hope of change, we resorted to the extraordinary action of resignation.

(2) On the other hand, nothing has occurred in 6½ years by way of improvement. As a matter of fact, the crime and violence situation has seriously escalated as has the adult content. Based on pure logic, there is no basis for Group W changing its position.

The thing that has changed is the tie-in between NAB membership and the Television Code membership. I don't understand the logic of this nor the public interest consideration. The most recent step in eliminating the formalism of Code membership by using the economic sanction of Code dues is equally confounding. By other modifications affecting independent stations, it would seem your recent action took care of the needs of other non-members. It has not, however, taken care of Group W's whose attitudes go beyond commercial content, etc. to the very vitality of the Television Code itself as an instrument of self-regulation.

It is our conclusion that the net effect of that action forbids NAB membership without Television Code membership. *Based on your decision,* Group W will cease to be a member of the NAB.

I hasten to add that if, as and when the Code in practice becomes a vigorous, effective entity we would be pleased to be an active member and supporter of both. One of the conditions precedent to this has to be reversion to a membership structure of the Code that excludes networks, as it was during its first decade or so. The responsibility of what appears on the air rests with the individual licensee and not with the networks (except to the extent they are licensees as well). I believe that ultimate responsibility must be at the local, community and licensee level and, therefore, the rules and enforcement of rules should be in the hands of the licensee and not representatives of networks.

I'm sorry to have taken so long—again, I appreciate your courtesy and time and hope you understand our point of view.

Kindest regards.

Sincerely,

DONALD H. MCGANNON,
President and Chairman of the Board.

Mr. MACDONALD. Mr. McGannon, one thing that puzzles me is that I notice, and with pleasure, that you have 6 minutes of commercials per hour in children's programing as opposed to roughly 12 or 14 which is allowed by the code. How do you explain the wide disparity between 6 and 14?

Mr. MCGANNON. Well, sir, I indicated that the determination on the part of our company to undertake 6 minutes occurred with the first hour program we did for children about 4 years ago, Earth Lab. The subject was not as hot at that point as it is now. Nonetheless, Mr. Baker and his associates recommended that that be the amount, and they also recommended the fact that it be handled in a manner that affords us the opportunity not to interrupt the program.

I should also say that in conversation with Peggy Charren, who is president of ACT, we shared with her what I think is our extraordinary commitment to this, and I would be less than candid if I did not say they furnished us with substantial information in relation to the 14 minutes, as is in the code.

Mr. MACDONALD. Obviously, someone had to say something about it or it could have been 34; they set a figure.

Mr. MCGANNON. I agree. I would guess, though, that the figure of 14 would almost be in an order of magnitude of 34 because it is excessive in my opinion, but I submit that 14 is too much, and there are very little areas where that kind of concentration of commercial content is available in television today.

In any event, it existed for a period of years. When the more recent discussion got going, there was this reduction. As I indicated, I don't think the reduction is adequate or realistic, but notwithstanding, that is the best way I can rationalize it for you.

I think the code tends to err on the upside all the time. I therefore don't view it as a sort of discipline or a regimentation of the industry to achieve something less than that; than, if you will, the upper limits.

Mr. MACDONALD. Inasmuch as it has long been my theory that the main galvanizing force in broadcasting is the bottom line, money, I was wondering if you found that 6 minutes of commercials during these programs put you in a disadvantageous position with the networks?

Mr. MCGANNON. Well, sir, No. 1, I indicated in our prepared statement that we have not found that being more conservative with commercial content has hurt us either with advertisers or agencies.

Mr. MACDONALD. You were talking about Mike Douglas.

Mr. MCGANNON. I was talking about children's programs, and I was also talking about other programs like Mike Douglas and children's programs; that is, about all we program because everything else is networks. That is the only area in which we can apply our own judgment.

But I not only don't feel there is a problem in that regard, I think there is also if you feel a tendency on the part of the agencies and the public to accept it—I think at certain times of the broadcast day, the public is punch drunk from the number of commercials they are being hit with, and I think it is a case of fouling the nest, because this is a great nest we have here in the television medium.

Mr. MACDONALD. I don't know if it is a nest, but it has a golden egg in it.

What I was trying to get at was whether or not in your judgment, your considered broadcast judgment, the networks would be severely or adversely affected at all if they followed your lead and went to 6 minutes instead of 14?

Mr. McGANNON. I don't think they would be adversely affected except by a reduction in revenue.

Mr. MACDONALD. I take it you have certain standards concerning the type of advertising you direct toward children; is that correct?

Mr. McGANNON. To the extent of those standards I read to you, five or six in number.

Mr. MACDONALD. Do you have any others?

Mr. McGANNON. Yes. Mr. Baker says that the application of continuity screening and review eliminates, if you will, advertisements that we find objectionable, and those in some cases are the manner in which the message is given which tend to be too demanding of the child or the child too demanding of the parent, and those that represent a basic philosophical attitude in this connection.

Mr. MACDONALD. These are the ones you outlined in your prepared statement, the ones that you already have. Do you have any auxiliary ones?

Mr. McGANNON. Only those I said we apply our continuity review to each commercial involved.

Mr. MACDONALD. The thing that puzzles me, and I don't have my mind made up one way or the other as I am sure no other members of the subcommittee do, but on the one hand, you say self-regulation hasn't worked, and then you say that you think there is enough; that self-regulation will do the job. I find that difficult to split hairs about.

Mr. McGANNON. I don't mean to make it sound contradictory. I am saying that for a period now, I guess over 20 years, there has been a code of practice in the television industry that I think in sum or in toto has not been adequately effective.

I think, however, that there is the will on the part of the industry, and the will—if you will, goaded and perhaps sufficiently reinforced by persons like yourself and groups like your subcommittee—that I think it most certainly can work. It has not been one, I must confess in review, that has been effective.

Mr. MACDONALD. It hasn't been effective even with regulation. I had Dean Burch put together a children's bureau working together with ACT, and that worked for a while. Now it is my understanding that somehow or other it has been more or less abandoned. That wasn't regulation from the Government exactly; that was a talking over of things, and even that got to be too much for them and they dropped that.

So I don't really understand, Mr. McGannon, how you can say that selfregulation doesn't work and yet it is going to work if we give Mr. Wiley full faith and credit for leading the charge on violence and support the idea of family viewing. I haven't seen any results of that yet.

We have been after violence on the House side for a while, and we told broadcasters some time ago, maybe a couple years ago, that we didn't want to get into the business of telling them what to put on or having anything to do with programing, but if they didn't stop some of the violence, that there would be no other way out; and none of it seems to have stopped.

And on the other side of the Hill, the call about violence and sex was heard loud and clear, but nothing much seems to happen.

Mr. McGANNON. Mr. Chairman, I have a great hangup on the ability of the Federal Government or the Congress to effectively regulate areas as difficult and esoteric as program content. I also worry about the matter of the constitutional considerations. When I look, however, and see those instances where there has been an activism or a modicum of leadership demonstrated by regulatory bodies or another group, something occurs, at least we have a reduction from 14 minutes to 10 minutes insofar as the content of commercials in children's programing and that is a baby step forward.

You have a very massive program and I don't know how you can legislate all of that, but I did submit that there are some things you can do and that coupled with maintaining the pressure on the situation will produce results for you.

I think the present situation is intolerable. Last year, more than 53 percent of all the programs presented on the air involved police and private detective action, confrontation formats. I wouldn't care for 53 percent of any format. That is too much all by itself.

There should be a greater diversity of programing. Last year, the average affiliate such as us, had little or no opportunity to know the contents of that programing before it came down the line and was shown on the air. In this process, we have been having discussions with the networks for the past several months on this very issue which we think is a completely unacceptable and intolerable situation that that condition exists. For various reasons, it is only available within days before the air show is scheduled, which means that there is no opportunity to cancel programs. There is no opportunity not to have on-the-air spots showing what the next format is going to be. If you don't show it, you get a huge amount of resentment to it.

Second, I think the basic issue in this matter is the question of where does the responsibility for these frequencies lie? It lies at the local level. It lies right back in Boston or in Pittsburgh or in Fall River or wherever, and I think there is where the licensee has to be held accountable for this. But there has been an attitude for a few years now that the networks are producing and it is they who have to stand responsible for it. But I suggest that diffuses responsibility badly.

In many cases, it has been impossible to see the program and our situation has become frankly so frustrated that we have established an office on the west coast with the vice-president out there who is working very hard at this point just trying to get a look at what is going to be shown next fall. If you want to look at the program and you have the responsibility, then I submit there is a very serious gap in the regulatory process.

I don't know how effective we are going to be with this procedure, but let me say that I think the committee and the Commission could go a long way if they would say unquestionably where the responsibility lies.

Mr. MACDONALD. Mr. Wirth.

Mr. WIRTH. Thank you. I very much enjoyed your testimony, Mr. McGannon, and I have a set of fundamental questions which underlie your whole testimony which I would like to get into and those relate to why you treat children on television differently from the way you treat adults. I would like to get back to these.

Your programing content is different. The amount of time commercials are shown, the kinds of materials shown to children, and so on. You are making a lot of assumptions on that point and I want to get into why you make those assumptions and on what evidence.

Before getting to that, I have some very specific questions related to your testimony. On the second page, the top of the first paragraph there is a sentence that I don't understand, starting with:

> The FCC has broad powers to issue licenses as the public interest requires.

Then you say:

> If a broadcaster's programing and advertising practices are found not to be in the public interest, the Commission would be unable to make the public interest finding which is the prerequisite to the issuance of a license.

What does that mean?

Mr. MCGANNON. I intended it to convey that in my opinion there is statutory authority for the Commission to look at the performance of individual licenses insofar as program content and commercial content is concerned and make a decision as to whether in fact they are fulfilling the public service responsibilities and if so, renew the license and if not, don't renew the license.

Mr. WIRTH. They don't do it; is that what you are suggesting?

Mr. MCGANNON. No, I don't think they are doing it. It is being done in contested cases wherever competitive application is filed.

Mr. WIRTH. So you are only suggesting there is kind of a limited oversight of the FCC in the public interest and the way in which stations are meeting that.

Mr. MCGANNON. I think there is the inchoate capability on the part of the Commission to examine that if they choose to.

Mr. WIRTH. Suggesting at the same time they are not doing so.

On page 5 you made a reference just before you got into your discussion of Mike Douglas and Johnny Carson of some of reference to economic problems in the industry. I wonder how that relates to what you said later:

> We feel we have enjoyed special recognition from advertising agencies in placing schedules because of the lower level of commercial content.

Does that mean because you have gone in the direction of a more contained effort or reasonable approach to children's advertising you can then charge more than the basic rate or you get better placement or better ads or whatever?

Mr. MCGANNON. It doesn't apply specifically to children's programing, but there are one or two agencies, we submit what we call "availabilities" to them. If there are variances in the audience levels of these availabilities, they will allow us a 10 percent differential and still give us the business, because there is less commercial content. For example, if you have a particular spot that supposedly has x number of homes and that is 10 percent below the competitive submittal, we will still get the guy's business because we are demonstrating a lower level of commercial content.

Mr. WIRTH. Is that economically beneficial to Group W?

Mr. McGANNON. I think you have to figure out when enough is enough. We would all like to do more, but I think there is a certain point. We feel that this level of content is advantageous. I think it garners a better response from the audience and apparently the advertisers look at it well.

Mr. WIRTH. Do you make as much return on investment for 6 minutes for kids as for 14 minutes and 15 seconds for Mike Douglas?

Mr. McGANNON. I don't think they are directly comparable.

Mr. WIRTH. How do you make a choice between 14 minutes and 15 seconds on Mike Douglas and 6½ minutes for children's shows?

Mr. McGANNON. Douglas is a show that we started producing over 12 years ago. We looked at it at that point and said that we felt from the viewpoint of the public reaction to commercials, that probably the best we could figure out would be 13 minutes plus a station break. Since that time, there has been this tremendous growth around us that I think is excessive.

Now, that was not made in the context of comparing it to children's program content on Saturday morning or any other time. They were made separate and distinct. I can't tell you why we treat children differently per se, I suggest the industry probably realizes that there is a whole body of advertisers out there who sell products primarily aimed at children and it seems during periods when children are principally available and there has been a certain categorization that has grown out of that.

You have the Saturday morning situation regarding children and you probably have some chance through your children or otherwise to look at what is being advertised in that situation, so we have developed what I mentioned earlier as "children's prime time." It starts early on Saturday morning and goes to noon or afternoon.

There is little or no direct relationship or no machinery or formula that equates that with the commercial content of Douglas.

Mr. WIRTH. You say with the few changes in our method of operation and so on. What are the changes that Group W would suggest? Have you a list of those, have you submitted those.

Mr. McGANNON. I have suggested them in the course of this presentation, but I have indicated very strongly, and that is the issue of responsibility vis-a-vis the local licensee as to what actually appears on the air, whether it be a network time period or local time period, and I think that is important. I want to put the handle on this violence situation. You are getting down to the area where the people are.

That broadcaster is going to respond to his constituents in the community. They are there and they see him every day. He can't cop out. It has to be made our responsibility as licensees to answer for those things irrespective of the networks.

Mr. WIRTH. Local review is one. Would you suggest that we talk about a change in the Code to conform more closely with what you have done, rather than what the Code is doing?

Mr. McGANNON. The issue involving responsibility can be done by a policy announcement by the Commission. It is implicit in the act already. When you have a chance to read those two diatribes I have attached to the testimony, I think you will see how we feel the situation ought to be handled.

Mr. WIRTH. What has been your experience in terms of loss of revenue by following the approach that you have rather than the Code?

Mr. McGANNON. As you know, the FCC's yearly market data regarding costs, revenues, and profits, you can't tell what your competition is doing, but you can see your own relative position on that, and as we read those, we are fairly comparable to the other two stations and three VHF station markets.

Mr. WIRTH. Even showing less commercial content on those?

Mr. McGANNON. Yes.

Mr. WIRTH. Do you think that is an experience that can be translated to other stations or would that advantage fall apart?

Mr. McGANNON. We are dealing with a semi-monopoly here and as a consequence, there is a finite amount of contents, depending on how you want to set the levels and I think there may well be a balancing off factor even if there were a lower commercial limit or length of commercials.

Mr. WIRTH. So you are suggesting you could have fewer commercials and charge more and still come out economically at the level of enough?

Mr. McGANNON. Or sell more. Our rates are no higher than others in the main.

Mr. WIRTH. Fine. I would like to come back. My time has expired, but I would like to come back to discussing the assumptions underlying the way in which you treat different audiences.

Mr. MACDONALD. Mr. Byron.

Mr. BYRON. I have one question dealing with this point that you made on page 6, the local stations are responsible to their public for all programs including network programs. How many affiliates do you have in Group W?

Mr. McGANNON. We have five. Two are affiliated with CBS, two with National and one with American.

Mr. BYRON. Do they give you feedback in terms of their own preference regularly?

Mr. McGANNON. The individual stations?

Mr. BYRON. Yes.

Mr. McGANNON. Well, sir, I assume you are asking this in the context of network programs. That comes about in a rather comprehensive way. At this time of the year there is an affiliate meeting and I suggest tentative schedules, what is going to be the fall schedule. In the course of that happening, some of the networks show you all of the new programs in their entirety. Others excerpt them and put them together into a potpourri.

Individual managers are there. They are looking at it and reviewing it. Mr. Baker came back from one of the meetings and said it is something we ought to get in advance of the season starting because we ought to look at it.

Mr. BYRON. Suppose the stations would get together and say we have had it. There is just too much of a particular emphasis on a certain type of children's programing. Don't they have any local responsibility here to do that?

Mr. MCGANNON. I don't know if it takes that form exactly. I think they have the responsibility, but this is one fact of life in the industry and that is the fact that quality programing is in short supply and the cost of programing is very, very great, so that you simply don't go out and produce. You can't go out. You don't have the productive capability to go out and generate programing, except up to a limited extent.

If we, as we have, preempted network shows in prime time—we did this last year; one we can handle, two we can handle, three we can handle. But you start getting up to four and five and with the existing creative capability, you simply don't have that capability.

There are no new first-run programs. However, you can buy their syndications, so that is the inhibiting factor of the business in my mind. And you compare that with the promotion and publicity given to network fare and you realize that the public is aware of these things and want them in some cases, all cases or almost all cases, and you find yourself in a very difficult position in preempting.

Mr. BYRON. In other words, you don't think that the basic proposition is in effect today?

Mr. MCGANNON. I think the situation has become quite benign insofar as the individual station exerting its responsibility and will about clearance of programs. It is impossible today to see them all the way it is running at the moment.

As I indicated earlier, by and large you are getting 3 to 5 days' lead time on an average program and that is not enough to make any preparation or changes to program that time period. You can't switch a half hour of prime time from Tuesday to Friday night.

Mr. BYRON. Don't you think this could be handled with an affiliate agreement rather than by the FCC.

Mr. MCGANNON. Affiliate agreements have to be very standardized.

Mr. BYRON. Thank you.

Mr. MACDONALD. I have just two short questions, Mr. McGannon. You went all around it but you never said it. Are you suggesting that the networks themselves be licensed so that they would be more responsive to the FCC?

Mr. MCGANNON. I was not saying that, or was I skirting it. I was not thinking about it.

Mr. MACDONALD. Now that you have thought about it.

Mr. MCGANNON. I don't think it would be within the philosophical concept of regulation. The initial Communications Act was predicated upon the pressure of shortage of frequencies. Anybody can start a network. But the fact remains that there is no specific license required, so I think you would have to change the whole philosophy of licensure that the Federal Government has had since 1934, in effect. So I would think no. I think I would rather see the thing approached so that we would not become, if you will, a national television system, but a group-ing of local television entities that would serve Boston and then be tied into a larger group, but the responsibility would relate to Boston.

Mr. MACDONALD. My last question is, do you say that you get no crack, really, at taking a look at what is going to be in the program, the program content? I was wondering if you had any crack at seeing what was in the network's advertising spots directed toward children.

Mr. MCGANNON. In discussing it with Win Baker, I replied that we do not and some attempts we have made to try to get greater access to this have not borne fruit in a somewhat parallel course.

Mr. MACDONALD. Why is your children's advertising so much better, I take it, better than your adult advertising?

Mr. MCGANNON. I don't understand your question, sir.

Mr. MACDONALD. I give you an A for advertising on children's programing. I give you and all the rest of the stations about a C or a C-minus, on deodorants, Formula 44, or whatever else is advertised on some of those stations. I get letters from people saying they are disgusted by the ads.

Mr. MCGANNON. I think, Mr. Chairman, if you read that 1969 letter of resignation, you will see one of our pet peeves and that pet peeve related to intimate personal products, and we opposed it for a very, very long period of time. I don't think it is appropriate on the family mass medium, but that may be a certain degree of self-righteousness on my part.

Mr. MACDONALD. Feminine hygiene and all that. Objection to personal product advertisements make up a large number of the letters I receive from constituents on this issue.

Mr. MCGANNON. I agree, but at this point in time, it is built into a system.

Mr. MACDONALD. I have used up my time, and I understand you are saying that you don't get a better look at children's ads than you do at adults'?

Mr. MCGANNON. Also in conversation with networks, we have at various times reached a point where if we didn't air all of the advertising with the particular program, we wouldn't get the program and that has happened on more occasions. So there are aspects of that which put us under a severe handicap.

Our basic affiliation agreement provides that the programs that come down that are commercial will have commercials in them and we are expected under the agreement to air them. You have a right of preemption if you have a specific reason, but again you have this inability to cover them or to be allowed to have the program if in fact the network wishes to give it to another station if another station is available. So it is not a simplistic situation.

Mr. MACDONALD. I wasn't trying to indicate that it was. I just thought maybe they treated advertising differently than they did program content.

Mr. MCGANNON. No, sir.

Mr. MACDONALD. Do you think the Government should treat advertising a little differently than it does program content?

Mr. MCGANNON. I just don't know how the Government effectively deals with something as intangible as the degree of acceptance, if any, on personal female hygiene products.

Mr. Macdonald. While we are both using an extreme, do you think in a broad sense that the Federal Government perhaps should take a different view toward regulation of advertising on the public airways than they do content of a program?

Mr. McGannon. I think it is content in another form and I think it is a matter that should be given to the broadcaster. I think, however, it might be possible for the FCC to have guidelines in this connection and of course in addition, the best regulation is self-regulation, vigorous and sensible self-regulation.

Mr. Macdonald. Do you have anything else?

Mr. Wirth. First of all, going back to my last question on specific changes, would it be possible for you to submit a list of the specific things that you think ought to be changed in the Code in the area of self-regulation or in the area of regulation overall?

Mr. McGannon. Yes, sir, we will try.

Mr. Wirth. I would greatly appreciate having that and, Mr. Chairman, if we might leave the record open for the inclusion of that, it would be greatly appreciated.

Let me go right to the bottom line and ask why do you treat children differently than you do adults?

Mr McGannon. Well, I think it is in our very human nature to do that. You safeguard children in diets and the food they take in, their freedom, and possible exposure to jeopardy or harm and I think it also exists in the area of sensibility and morality and intellectual circumstances.

I think, insofar as broadcasting is concerned, there is a similar application. I subscribe to the idea, I think, while there is no empirical evidence that demonstrates that children of aberrant behavior got that way because of television.

I think I attempt to relate more specifically to the fact that there have developed certain strictures and forms in this medium, one of which is the Saturday morning prime time children's hour, and both products and program content have been oriented toward children of certain demographics in that time period.

I guess there is different treatment because the presumption tends to be only children of certain ages are watching then or we can get the largest audience of children and therefore we will program this and sell that. I can't say why that has happened per se. I guess Saturday morning is an available time period and it just grew.

Mr. Wirth. The allegation has been made that children, say younger than 5 who don't have the cognitive capability to handle what goes on in advertising are particularly susceptible to certain kinds of television advertising, can't distinguish advertising from regular program material, and that it is important that this distinction be made. What about making sure that children under 5 don't see advertising in that time period? Have you looked into that issue?

Mr. McGannon. I have not, except in my own personal context. I have a large family and I would say my conclusion to date is that they do have the capability of making the distinction between program content and advertising, even at the tender age between 4 and 5.

You might be interested in something that Mr. Baker is undertaking and that is the production of a number of spots. They are not counter-commercials, but they are commercials to talk to young people about what they should expect from a commercial and what they should look for in a commercial. Would you spend a moment on that?

Mr. **Baker.** Yes.

Mr. **Macdonald.** If you would please be brief. I have transgressed on the committee's time. We have two other important witnesses, and I am not going to question the second witness at all, so that we can give the third witness a fair shot at being heard because the bells may ring earily at 12 o'clock.

We have had an all-star cast, and I don't want any feelings hurt.

Mr. **Wirth.** Perhaps you can send that to us.

Mr. **Macdonald.** Or if you would, now.

Mr. **Baker.** We have undertaken a series of announcements designed to inform children of the influence of advertising and explain what commercials are and therefore hoping to educate them in making distinctions between kinds of advertising as well as advertising and programs.

I would be happy to send you a copy.

Mr. **Wirth.** Thank you very much.

[The following letter and attachment were received for the record:]

Westinghouse Broadcasting Company, Inc.,
New York, N.Y., January 13, 1975.

Hon. Timothy E. Wirth,
House of Representatives,
U.S. Congress,
Washington, D.C.

Dear Congressman Wirth: During the recent hearings before the Subcommittee on Communications concerning television programming and commercial practices relating to children, you asked if it would be possible for me ". . . to submit a list of the specific things that you think ought to be changed in the Code in the area of self-regulation or in the area of regulation overall."

I believe changes in the Code should be made to strengthen it in the following specific areas:

1. Determine guidelines and limitations on program sequences wherein bodily contact, brutality, severe bodily injury, wanton disregard of human life, etc., is involved. Beyond that, it should be reemphasized that responsibility for the *clearance* of programs containing such sequences is on the individual local licensee. This latter point is extremely important since it will prevent the shifting of such responsibility to the network originating such programs.

The impact of similar programming on more than one network affiliate in the same time period must also be taken into account. Very often, all three network stations carry similar "action" programming which means there is no escape or alternative for the audience but to view such programming. A similar approach should also be taken insofar as intimate interpersonal behavior or sexual references are concerned.

2. The quantative allowances for commercials should be limited as to number of announcements irrespective of time and more stringent clustering requirements should be imposed. Further, there should be the prohibition of any further sub-division of existing time periods so as to accommodate more individual announcements.

3. Certain categories of products and/or treatment of same products should be banned entirely from television advertising, including intimate feminine products and appliances, anti-conceptual creams and devices such as condoms.

4. Experience is clear that relegating some or all of the above items to "special" time periods is not effective and leaves huge numbers of sensitive young people exposed to these various messages.

5. A mass medium such as television requires some pre-determination of the medical acceptability and safety of certain products. In this category would be soporifics or sleeping potions, pain killers, etc. There is growing concern

that certain over-the-counter drugs, including "uppers" and "downers," may well constitute a serious health risk to our society requiring a review and determination given to other products, i.e., cigarettes.

During the hearing, it was also indicated that we would supply copies of a set of spot announcements prepared by Group W designed to inform children as to the influence of advertising and educate them to make distinctions between kinds of advertising. Scripts of these announcements are enclosed for your information.

Sincerely,

DONALD H. MCGANNON,
President and Chairman of the Board.

VIDEO	AUDIO
Medium long shot—Mason Reese standing among garbage cans.	My name is Mason Reese and I'm standing in the middle of all these garbage cans to prove a point. Last year the average kid ate enough to fill up a lot of these cans and the reason is that too many times we don't really stop to think about what it is we're eating and if you're not careful about what you are eating a lot of what you do eat can become exactly this—just plain garbage. That's right, I mean all those candy bars, ice cream cones, bubble gum, hot dogs, lollypops, potato chips, pretzels and cookies that you are munching on. Don't get me wrong, I mean I like cookies and candy just as much as the next guy, but your body needs a lot of other things too. The kind that balance out your diet. Cookies and candy need to go along with carrots and spinach. So, next time your mom tells you to eat your carrots and spinach—eat 'em. Then ask her for some cookies and candy.
Slide:	This commercial was for your benefit. Westinghouse Group W Broadcasting, Inc.
Long shot—Mason Reese in living room watching TV—Close up—Huckster pitching super toy.	*Announcer:* Hey kids you just got to have one of these ray guns. The ray gun shoots red lights. Batteries not included. Tell mommy you got to have a ray gun.
Medium long shot—Mason Reese beside TV set.	*Mason Reese:* Do you believe this guy. Hi! My name is Mason Reese and I've made a lot of commercials, so let me tell you something about 'em. Commercials like this really bother me, because the way I look at it commercials are supposed to help you, they're supposed to give you some information about the product they're trying to sell you. What they're not supposed to do is try to trick you and that's the reason for this commercial—to remind you that you should think about what people in commercials are trying to tell you and remember that commercials must tell you the truth when they sell you the product.
Close up—Announcer with super toy.	*Announcer:* Hurry up kiddies, tell mommy you've got to have one.
Close up—Mason Reese	*Mason Reese:* You know what—some day someone is going to tell this guy kids aren't stupid.
Slide:	This commercial was for your benefit. Westinghouse Group W Broadcasting, Inc.

Mr. MACDONALD. Thank you, Mr. McGannon and thank you everyone.

Our next witness is Mrs. Peggy Charren of Action for Children's Television, Newtonville, Mass. Mrs. Charren and I have known each other for quite a long time. She is president of a nationally based organization of concerned mothers who have been opposed to commercial advertising in various forms and various ways for quite a long time.

Her most recent exploit—I read about it in this Sunday's Star—deals with her intervention with a local station to get them not to advertise fireworks, as I recall. It would have meant 2 weeks, apparently, of firework commercials in programs such as Bugs Bunny, Magilla Gorilla, and Hogan's Heroes.

STATEMENT OF PEGGY CHARREN, PRESIDENT, ACTION FOR CHILDREN'S TELEVISION

Mr. MACDONALD. You have for a long time been very active, and we are very pleased you could be here today.

Mrs. CHARREN. Thank you, Chairman Macdonald.

I am Peggy Charren, president of Action for Children's Television. I would like to thank the committee for giving us the chance to testify here today, in an effort to focus attention on some of the injustices that continue to plague the specialized medium of children's television.

Action for Children's Television, or ACT, began in 1968, when a group of teachers, physicians, child professionals, and parents met to discuss what could be done to make children's television a creative and constructive force and to eliminate the misleading and unfair commercial messages directed to young viewers as frequently as once every 2 minutes, on average, during children's programs.

During the past 7 years, we have talked to broadcasters and advertisers, filed petitions with the Federal Communications Commission and with the Federal Trade Commission, and testified before countless congressional hearings. ACT has become a national advocate for children, with the support of thousands of consumer-conscious citizens throughout the country, and the endorsements of major organizations concerned with children, such as the American Academy of Pediatrics, the American Public Health Association, and many others.

Everyone agrees that hazardous or dangerous products should not be sold on television. In his speech to the National Association of Television Arts and Sciences in Atlanta last year, FCC Chairman Richard Wiley spoke of a new ethic in children's broadcasting, based on the belief that adults must foresee and remove potential hazards that may befall a generation of unsuspecting children. The main thrust of ACT's position is that danger and hazard are a question of degree, not kind. Anything is dangerous when used without the judgment and experience normally attributed to a mature adult.

Although explosives are safe when used by demolition experts, even matches are dangerous in the hands of children.

An occasional candy bar after a meal can be a pleasant treat, but excessive use of candy in place of nutritious foods is a hazard to physical and dental health.

A single vitamin pill can be a supplement to a deficient diet, but ingestion of a whole bottle of chocolate-covered vitamins leads to children hospitalized for coma and shock.

We believe that a child should not be thrown into the marketplace until he has the intellectual equipment to benefit from the experience and he does not have this capacity until about the age of 12, approximately.

Of course, one can argue that a series of bitter disappointments will teach even a small child to be more careful. To carry this argument to an extreme would be to argue that the advertiser who is guilty of the grossest deception has made the greatest contribution to the child's education.

Small children do not respond personally to television spots. They cause their parents to purchase the advertised products, and when the transaction is disappointing, they often blame the parent, and even themselves.

It is the opinion of pediatricians and psychiatrists that the disappointments and frustrations resulting from television advertising do nothing but confuse and upset a small child and place an unhealthy emotional strain on his relations with his parents.

As Dr. Richard Feinbloom stated, the child lacks the ability to determine the relative importance of particular commercial messages and to reject some directives as inappropriate.

The dilemma of a low-income parent is particularly cruel because he must divert his limited resources to buy an undesired product, or risk being considered less generous or less successful than other children's parents. To him, the middle-class compromise of "giving in" on expensive items is unavailable. The result is likely to be feelings of deprivation and inferiority.

In 1970, Daniel Yankelovich, Inc., was commissioned by ACT to prepare a pilot survey of "Mothers' Attitudes Toward Children's Television Programs and Commercials." The survey found that mothers have "a great deal of hostility and resentment for most commercials on children's programs." I imagine you will be hearing from broadcasters who have also done surveys which will doubtless say the exact opposite, which shows why ACT has sometimes not too much confidence in research over the use of commonsense.

In 1970, ACT petitioned the Federal Communications Commission to eliminate ads on children's television, and turned to the Federal Trade Commission during the following 2 years with petitions specifically urging Trade Regulation Rules to prohibit toy, vitamin, and food ads on children's programs.

ACT, in conjunction with other consumer groups, developed a set of guidelines for children's advertising which would do away with most of the significant abuses. This consumer compromise was presented to the Federal Trade Commission and to the industry on May 20, 1974, 4 years after we first went to the Commission.

We submitted five major steps to improve children's television. We asked that programs whose audience consists of more than 50 percent children should not be interrupted by commercial messages. We suggested that the amount of time dedicated to nonprogram material per hour should not exceed 6 minutes. We requested that products dangerous to a child's health should not be advertised to him.

We stated that all commercials for highly sugared foods, most of these empty of nutritional value, be dethroned from their present places of honor on ads during children's programs. After compiling statistics on child poisonings which indicated an overdose of vitamin pills was the second most commonly ingested poison by children over 5 years of age, ACT joined the other consumer advocates in urging an end to all television advertising for vitamin and over-the-counter drugs on programs watched by significant numbers of children.

The three principal pharmaceutical advertisers on children's programs subsequently withdrew their vitamin ads from Saturday morning, but they are now beginning to reappear on children's weekday afternoon programs.

We also said that some advertising techniques should be outlawed on children's television, namely the use of host selling, testimonials, and premiums. So far, just about none of this has happened, except maybe the use of host selling and a certain amount of reduction in television advertising.

Spokesmen for the industry have relied on inflammatory rhetoric to distort their own failure to compromise. John A. Schneider, president of the CBS Broadcasting Group, said last year that "we must recognize the enemy, and they are the consumer groups who went to Washington and told the FTC that they must put an end to all advertising on children's programing. There is no way to negotiate with such a militant group," he said.

The National Association of Broadcasters believes that the raging tide of children's television abuses can be stilled through the thoughtful application of the NAB's Code of Good Practices, which recommends that "the exploitation of children should be avoided." In fact, the member stations put the Seal of Approval in the middle as a scheme to con the American public into thinking that the broadcasters are taking care of things.

Apparently, broadcasters believe that children are less vulnerable to television persuasion during the week than on weekends. During the afterschool hours, the Code allows more ad minutes per hour on children's programs than on adult fare in prime time.

The Federal regulatory agencies award their stamp of approval to the NAB Code, as a meaningful example of the industry's willingness and ability to act as its own police force, although Alan Pearce, acting as the economist for the FCC, compiled data indicating that the networks would suffer no appreciable loss of revenues were there a significant reduction in children's advertising minutes.

The NAB states concern about "sweet tooth appeals" while the Code permits commercials which advise young viewers to gobble Milky Way candy bars at "playtime or anytime—at work, rest, or play." So much for looking at the messages before they get on the air.

Among the NAB Code's provisions is a caution that "commercials directed to children should in no way mislead as to the product's performance and usefulness." ACT's interpretation of this guideline would disallow advertising for toys like the Mattel Townhouse, touted as Barbie's ideal environment at $20 per house.

Thousands of parents and children have expressed frustration that the model home, which appeared so indestructible on the TV demonstrations, collapses after 1 day or two of regular use. Consumers Union has launched a publicity campaign alerting parents to the pitfalls of this overpriced form of prefab housing, and Mattel has agreed to make reparations, but this was one of the best selling items, this and Baby Alive, even the title of which was most misleading.

Such remedies don't really solve the problem and that is the most significant problem with self-regulation. By the time the self-regulatory mechanism acts on one particular ad, the ad has run its course and it isn't saving anybody from anything.

ACT is concerned that the industry's self-regulatory mechanisms have failed to protect children from television advertising for dangerous products, and here we get to the story of the fireworks that landed on the front page of the Washington Star. Although most States restrict the sale of explosive devices, WDCA-Television in Washington, D.C., under the nose of all the regulatory agencies, had scheduled 54 commercials promoting the sale of fireworks on popular children's programs for the 2 weeks before the July 4 celebration.

ACT found out about these commercials being scheduled by mistake. We don't have anyone who is in the station checking on what is coming and what is going to be telecast. Somebody got hold of a customer letter: "customers, buy your fireworks from us. We are going to advertise for 2 weeks on children's programs," and they listed all the programs. We got the general manager to withdraw these commercials, but for a system to depend on ACT having gotten that letter is really not reasonable because we could have heard about it afterwards and we could have taped it and gone to the Commission and said "look, the system isn't working" and how many children might have been hurt with cherry bombs that they are going to buy themselves.

We have submitted our set of compromises, but the advertiser response to the consumer suggestions merely reiterated existing provisions of the useless, out-of-date, unenforceable guidelines of the Association of National Advertisers, guidelines which have permitted all the abuses presently in question.

Marc Hirsch, assistant media director of Benton and Bowles advertising agency is quoted expressing his concerns about advertising to children. He is worried, however, about the efficiency of the advertising dollar to generate sales to children and said:

> Since television remains the single most powerful vehicle in reaching children, ways must be found within the medium to maintain "reasonable" efficiencies. In network, Captain Kangaroo can be a viable alternative to Saturday/Sunday network for certain brands.

Then, in the Journal of Advertising Research, an industry-supported magazine, Thomas E. Barry and Richard W. Hansen investigate advertising directed to black children and state:

> Black children respond uniquely to advertising directed to them as opposed to advertising directed to children in general. Thus a market segment, black children, emerges, which is possessed with substantial potential. This investigation hopefully will generate increasing interest in the opportunities posed by the existence of a black children's market which eagerly awaits efforts specially designed for it.

No wonder the advertising profession is reluctant to appear at hearings such as this one, where the real needs of children are being investigated.

FTC Chairman Engman suggested to the American Advertising Federation that the interests of the youthful television viewers demand substantive as well as procedural progress, but he has done nothing to insure that real progress will take place.

How have the regulatory agencies responded to the problem, to the fact that there are 100,000 letters from people on file at the FCC in ACT's docket, which is the largest response in the history of the Commission to any proposed rulemaking, and over 95 percent of these letters agreed with ACT's position.

Members of the 2- to 11-year-old children's television market have become the victims of a bureaucratic shell game while ACT and others take the stand in their defense. More than 4 years after ACT's FCC petition, countless pages of testimony and innumerable and expensive ACT trips to the Nation's Capital, the Federal Communications Commission issued its Children's Television Report and Policy Statement, whose principal message was an apology for the agency's failure to take substantive action. When it comes to advertising on children's television, they relegate that economically sensitive area to the domain of the Federal Trade Commission.

As a result of the inadequacy of the Commission's response, ACT has filed a petition for review of the policy statement with the U.S. Circuit Court of Appeals in Washington, and will continue to press for remedial action.

A 1972 petition to the Federal Trade Commission for a ban on food advertising was recently denied, but not before ACT had filed suit against the Commission for its 3-year delay. The FTC pointed its finger at the Food and Drug Administration as a rationale for its denial, pending the outcome of research into the potential hazards of sugar-rich foods—this when every dentist and every parent must know that the dentist says don't feed your children candy if they are wearing braces or don't feed them candy at all. Certainly a special treat once in a while is all you should do with candy. Yet, we permit it up to 20 times an hour on children's television and then say we need research to see if it is a problem.

ACT recently received a letter from Dr. Dale Roeck, chairman of the Council on Dental Health of the American Dental Association which states:

> Exposing children to a barrage of high-powered advertising of sugar-rich products on television puts their dental health at risk and is also, of course, a deterrent to proper nutrition.

What kind of research does the Commission think they need for somebody to take action?

ACT would like to announce today that it will file yet another petition with the Federal Trade Commission, this time requesting a Trade Regulation Rule banning advertising for heavily sugared foods on children's programs, and we will be happy to submit a copy of this petition when it is finished. We will send it to you.

ACT affirms its support for the First Amendment and reiterates its abhorrence of Government interference in a broadcaster's programing content. Our proposals to the Federal regulatory agencies do not require a violation of the sensitive boundaries of censorship.

ACT has advocated only reasonable advertising restrictions for which there is substantial need and ample precedent.

It is not the consumer groups, however, who must bear the ultimate responsibility for the broadcasting industry's infringements on the rights of this Nation's youngest citizens. Our role is merely to serve as a barometer of national concern about issues which have a direct effect on the continued health, safety and happiness of growing children.

ACT can generate attention, present evidence, and suggest the adoption of policies to secure special protection for young television viewers, but we are powerless to enact and enforce legislation or regulations that would guarantee substantive improvement.

As elected representatives of the consumer constituency, Congress must take the responsibility for change, or conversely the blame for inaction. It is your job, not ours, to monitor the activities of the Federal regulatory agencies which have become detached observers of the scene they have been empowered to govern. Thank you.

[Mrs. Charren's prepared statement follows:]

Statement of Mrs. Peggy Charren, President, Action for Children's Television

I am Peggy Charren, President of Action for Children's Television. I would like to thank you for this opportunity to appear before this House committee, in an effort to focus attention once again on some of the injustices that continue to plague the specialized medium of children's television.

Action for Children's Television, or ACT, began in 1968, when a group of teachers, physicians, child professionals, and parents met to discuss what could be done to make children's television a creative and constructive force and to eliminate the misleading and unfair commercial messages directed to young viewers as frequently as once every two minutes, on average, during children's programs. During the past seven years, we have talked to broadcasters and advertisers, filed petitions with the Federal Communications Commission and with the Federal Trade Commission, and testified before countless Congressional hearings. ACT has become a national advocate for children, with the support of thousands of consumer-conscious citizens throughout the country, and the endorsements of major organizations concerned with children, such as The American Academy of Pediatrics, the American Public Health Association, the National Association for the Education of Young Children, the National Conference of Christians and Jews, the National Education Association, the National Health Council, and too many others to list here today.

We are testifying today because substantive changes relating to the selling of America's children have become almost imperceptible.

Everyone agrees that hazardous or dangerous products should not be sold on television. In his speech to the National Association of Television Arts and Sciences in Atlanta last year, FCC Chairman Richard Wiley spoke of a new ethic in children's broadcasting, based on the belief that adults must foresee and remove potential hazards that may befall a generation of unsuspecting children. The main thrust of ACT's position is that danger and hazard are a question of degree, not kind. Anything is dangerous when used without the judgment and experience normally attributed to a mature adult.

Although explosives are safe when used by demolition experts, even matches are dangerous in the hands of children.

An occasional candy bar after a meal can be a pleasant treat, but excessive use of candy in place of nutritious foods is a hazard to physical and dental health.

A single vitamin pill can be a supplement to a deficient diet, but ingestion of a whole bottle of chocolate-covered vitamins leads to children hospitalized for coma and shock.

Some advertisers have suggested that television advertising serves an educational function in preparing children to become consumers and to make comparative judgments on products and prices. ACT agrees. The question is, when should this part of the child's curriculum begin, and what kind of advertising has this educational value.

A child should not be thrown into the marketplace until he has the intellectual equipment to benefit from the experience. He does not have this capacity until about the age of 12.

Jean Piaget, the child psychologist, recognized that the child is quite different from the adult in several ways:

"In methods of approaching reality, in the ensuing views of the world, and in the uses of language . . . we have become increasingly aware that the child is not just a miniature although less wise adult, but a being with a distinctive mental structure which is qualitatively different from the adult's. He views the world from a unique perspective. For example, the child below the age of seven years truly believes that water, when poured from one container to another, gains or loses in quantity, depending on the shape of the second container. For him there is no inconsistency in stating that a given amount of water gains or loses in quantity merely by being poured from one container to another. Or in the case of number, the young child, although able to count to 20, or more, has no conception of certain fundamental mathematical ideas He may think for example that a set of five elements contains more than a set of eight elements, if the physical arrangement of the sets takes on certain forms."

Of course, one can argue that a series of bitter disappointments will teach even a small child to be more careful. To carry this argument to an extreme would be to argue that the advertiser who is guilty of the grossest deception has made the greatest contribution to the child's education.

Small children do not respond personally to television spots. They cause their parents to purchase advertised products. When the transaction is disappointing, they often blame the parent, and even themselves. It is the opinion of pediatricians and psychiatrists that the disappointments and frustrations resulting from television advertising do nothing but confuse and upset a small child and place an unhealthy emotional strain on his relations with his parents.

Moreover, many believe that premature exposure of children to the techniques of television advertisers leads to cynicism and distrust about all established institutions. Small children are very heavy television viewers. They have very little personal contact with business and governmental institutions other than the school. Television is often their principal contact with American industry. It is most important that their contact with television not be one of abuse leading to mistrust.[1]

Dr. Richard Feinbloom, Acting Medical Director, Family Health Care Program, Harvard Medical School, and Acting Chief, Child and Family Health Division, Children's Hospital Medical Center, Boston, gives a clear summary of children's vulnerability to ads:

To children, normally impulsive, advertisements for appealing things demand immediate gratification. An advertisement to a child has the quality of an order, not a suggestion. The child lacks the ability to set priorities, to determine relative importance, and to reject some directives as inappropriate . . . The child responds as much to the setting as to the object advertised, unlike an adult, and is unable to separate the two. Thus the real toy is very often found by the child to be disappointing . . . The child cannot judge the monetary value of advertised merchandise, an intrinsic and crucial part of the adult's evaluation and consideration.

Dr. John Condry, Professor of Human Development and Psychology, Cornell University, New York, has pointed out that it is unreasonable to expect children to be able to make reasoned consumer choices:

"Children cannot be expected to choose that which is best for them simply because they *are* children, and have yet to develop the maturity of judgment necessary to anticipate the consequences of a complex choice." (Testimony before the FTC, November 1971, p. 11).

The child also tends to trust the advertiser, as Dr. Freda Rabelsky, Professor of Psychology at Boston University, reports:

"Children look to adults to learn what is 'good' and 'bad.' They are responsive to and learn from even strange adults. Experimenters with children report over and over that children are concerned with what adults do and say, even when the adults are strange experimenters whom they will never see again."

The dilemma of a low-income parent is particularly cruel because he must divert his limited resources to buy an undesired product, or risk being considered less generous or less successful than other children's parents. To him, the middle-class compromise of "giving-in" on expensive items is unavailable. The result is likely to be feeling of deprivation and inferiority.

In 1970, Daniel Yankelovich, Inc. was commissioned by ACT to prepare a pilot survey of *Mother's Attitudes Towards Children's Television Programs and Commercials*. The survey found that mothers have "a great deal of hostility and resentment for most commercials on children's programs." Complaints centered around "misrepresentation of the product, manipulation of the child, stress and strain imposed upon low-income mothers by the demands created by the commercials and a generally unhealthy environment."

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[1] "Because of the characteristic puffery and deception associated with advertising appeals, some critics feel that commercials may be causing youngsters to lose faith in business and society." ("Perceptions of Children's Television Advertising . . ." James D. Culley, 1978).

A survey conducted in February, 1969, by the Los Angeles Archdiocesan Council of Catholic Women found an overwhelming resistance to commercials and a widespread bitter resentment of commercial attempts to influence buying."

Many different constituencies have voiced concern that some products advertised on children's television are counter-productive to the health and wellbeing of the child and the family. Dentists worry because the chocolate-coated caramel bar is likely to cause cavities; pediatricians worry because sugar-rich dietary habits learned during childhood are unlearned only with extreme difficulties; parents worry because the $20 toy their child thinks is essential for a happy holiday is too much for the family budget.

Direct face-to-face solicitation of children did not exist to any substantial degree in the United States prior to the development of television following World War II. Thus, it is not surprising that there is no common law on the subject. However, there is extensive doctrine in many legal systems that sales agreements arrived at directly with children are voidable. Most countries in Western Europe have proscribed television selling to children. Accordingly, direct personal solicitation of children is well within the penumbra of established concepts of unfairness in many European countries.

In 1970, ACT petitioned the Federal Communications Commission to eliminate ads on children's televsion, and turned to the Federal Trade Commission during the following two years with petitions specifically urging Trade Regulation Rules to prohibit toy, vitamin, and food ads on children's programs. We knew that these petitions would not solve every aspect of the problem, and that children would still be exposed to ads on adult television and even on family programs. But at least commercials designed especially to appeal to the vulnerabilities of the youngest members of the audience would have been eliminated.

When it became obvious that even this position was too much to hope for in the immediate future. ACT, in conjunction with other consumer groups, developed a set of guidelines for children's advertising which would do away with most of the significant abuses. This consumer compromise was presented to the Federal Trade Commission and to the industry on May 20, 1974.

We submitted five major steps to improve children's television. We asked that programs whose audience consists of more than 50% children should not be interrupted by commercial messages. We suggested that the amount of time dedicated to non-program material per hour should not exceed six minutes. We requested that products dangerous to a child's health should not be advertised to him.

We stated that all commercials for highly sugared foods, most of these empty of nutritional value, be dethroned from their present place of honor on ads during children's programs. After compiling statistics on child poisonings which indicated that vitamin pills were the second most commonly ingested poison by children under five years of age, ACT joined the other advocates in urging an end to all television advertising for vitamin and over-the-counter drugs on programs watched by significant numbers of children. The three principal pharmaceutical advertisers on children's programs subsequently withdrew their vitamin ads from Saturday morning, but they are now beginning to reappear on children's weekday afternoon programs.

We also said that some advertising techniques should be outlawed on children's television, namely the use of host selling, testimonials, and premiums.

The question of premiums has developed into a hotly debated issue since FTC Chairman Lewis Engman announced that "the inclusion of premium offers in children's television advertising has no place in American marketing and is . . . a violation of the Federal Trade Commission Act."

Spokesmen for the industry have relied on inflammatory rhetoric to distort their own failure to compromise. John A. Schneider, President of the CBS Broadcasting Group, said last year that "we must recognize the enemy, and they are the consumer groups who went to Washington and told the FTC that they must put an end to all advertising on children's programming. There is no way to negotiate with such militant group."

The National Association of Broadcasters believes that the raging tide of children's television abuses can be stilled through the thoughtful application of the NAB's Code of Good Practices, which recommends that "the exploitation of children should be avoided."

Like the Lydia Pinkham bottled panaceas of yesteryear, the broadcasting industry's attempts at self-regulation in the area of children's television sound convincing, but lack the strength to remedy the ills they purport to cure.

Apparently, broadcasters believe that children are less vulnerable to television persuasion during the week than on weekends. During the afterschool hours, the Code allows more ad minutes per hour on children's programs than on adult fare in prime time.

The federal regulatory agencies award their stamp of approval to the NAB Code, as a meaningful example of the industry's willingness and ability to act as its own police force. These commendations impeded any consumer attempt to get a further reduction in advertising minutes, although Alan Pearce, acting as FCC economist, compiled data indicated that the networks would suffer no appreciable loss of revenue were there a significant reduction in children's advertising minutes.

ACT points to the precedent set by Westinghouse Broadcasting Company, which unlike federal regulators, views the NAB Code as being too permissive and has consistently argued for more stringent guidelines, voluntarily limiting its own advertising on children's programs to six minutes per hour.

The NAB states concern about "sweet tooth appeals," while the Code permits commercials which advise young viewers to gobble Milky Way candy bars at "playtime or anytime—at work, rest, or play."

Nutrition education dispensed by physicians, dentists, and schools across the country cannot compete with the visually palatable candy-coated nutrition misinformation which is purveyed by corporate advertisers. Children are lured into eating supersweet breakfast cereals by the promise of immediate gratification with a stick-on patch.

In Denver, Colorado, ACT representatives and other concerned individuals have joined in an attempt to persuade General Mills to stop their test-marketing of a new breakfast food, "Magic Puffs," which has been advertised to children on television. A chemical analysis of the cereal indicated that it contained more than 53% sugar, and could therefore be more appropriately categorized as a candy than an essential ingredient in a nutritious breakfast. Based on precedents in other parts of the country, the group has reason to believe that their efforts will be successful.

General Mills attempted to market another nutritionally deficient cereal in Buffalo, New York, last year. This was Mr. Wonderfull's Surprize (sic), a sticky breakfast concoction of pre-sweetened hollow puffs with cream-filled vanilla and chocolate centers. The advertising on children's TV in Buffalo neglected to mention that this cereal was almost one-third refined sugar and an incredible 14% concentrated fat. Public outcry was so strong that General Mills revised its plans to market the cereal nationally.

ACT has found that TV premiums are used most frequently as a come-on for sugar-saturated breakfast foods, while nutritionally sound products are advertised principally to adults.

Among the NAB Code's provisions is a caution that "commercials directed to children should in no way mislead as to the product's performance and usefulness." ACT's interpretation of this guideline would disallow advertising for toys like the Mattel Townhouse, touted as Barbie's ideal environment at $20. Thousands of parents and children have expressed frustration that the model home, which appeared to indestructible on the TV demonstrations, collapses after a day or two of regular use. Consumers Union has launched a publicity campaign alerting parents to the pitfalls of this overpriced form of prefab housing, and Mattel has agreed to make reparations for this defective merchandise. Such post hoc remedies are comparable to applying a bandaid to a broken leg, and do little to soothe a child disappointed by broken promises. Will the families who bought this toy agree with the NAB's statement aired nationally in prime time during a 43-minute NAB Public Relations Pitch, that "expectations are not raised unfairly?"

ACT is concerned that the industry's self-regulatory mechanisms have failed to protect children from television advertising for dangerous products. Although most state laws restrict the sale of explosive devices, WDCA–TV in Washington, D.C. had scheduled 54 commercials promoting the sale of fireworks on popular children's programs for the two weeks before the July 4th celebration.

After discussion with ACT, WDCA General Manager Milton Grant agreed to withdraw the commercials for products which would have been a potential threat to the health and safety of all young children in the viewing area. Despite warning from the American Academy of Pediatrics about the dangers associated with the unsupervised use of these combustibles, the NAB Code still permits broadcasters to advertise fireworks on children's television.

And how do the self-regulatory mechanisms such as the NARB address themselves to these problems? When asked to describe her function, the NARB's Emilie Griffin recently replied that she "reviews commercials aimed at children 11 years old and younger for their truth, accuracy, and fairness to children's perception." Although it is a shame that the NARB is not effective even in these areas, there is a more important problem. As a member of the advertising establishment, Ms. Griffin says that she does not question "whether products like toys or sweets should be advertised in the first place."

ACT exists because most broadcasters are asking themselves the wrong questions. Under the protective banner of self-regulation, young TV viewers are being led down a yellow brick road toward a magical land where children need expensive toys and sticky candies as barter for popularity, self-esteem, and happiness. Excitement and adventure lurk in the guise of dangerous products that may be hazardous to a child's health. Are these distorted images an example of fairness to a child's perception?

The problem is not only how we sell to children, but what we sell.

We have submitted our set of compromises, but the advertiser response to the consumer suggestions merely reiterated existing provisions of the useless, out-of-date, unenforceable guidelines of the Association of National Advertisers, guidelines which have permitted all the abuses presently in question.

Just last month in *TV Radio Age*, Marc Hirsch, Assistant Media Director of Benton and Bowles advertising agency, is quoted expressing his concerns about advertising to children. *He* is worried, however, about the efficiency of the advertising dollar to generate sales to children, and said:

"Since television remains the single most powerful vehicle in reaching children, ways must be found within the medium to maintain "reasonable" efficiencies. In network, *Captain Kangaroo* can be a viable alternative to Saturday/Sunday network for certain brands. In planning for spot television, consideration must be given toward utilizing all dayparts which contain kid programming as well as selectively reducing the weight in or deleting altogether those markets which are grossly inefficient relative to the norm. This must be accomplished without jeopardizing marketing considerations within a given sales area."

In the Journal of Advertising Research, an industry-supported magazine, Thomas E. Barry and Richard W. Hansen investigate advertising directed to black children, and state:

"Black children respond uniquely to advertising directed to them as opposed to advertising directed to children in general. Thus, a market segment, (black children) emerges which is possessed with substantial potential . . .

"This investigation hopefully will generate increasing interest in the opportunities posed by the existence of a black children's market which eagerly awaits efforts specially designed for it."

No wonder the advertising profession is reluctant to appear at hearings such as this one, where the real needs of children are being investigated.

FTC Chairman Engman suggested to the American Advertising Federation that the interests of the youthful television viewers "demand *substantive* as well as procedural progress," but he has done nothing to insure that real progress will take place.

What about the economic effects of the code proposed by ACT and its consumer comrades? Broadcasters and ad agencies would not be hard hit by the proposed restrictions, which apply mostly to children's television. The products they now promote to youngsters could reappear sprinkled throughout the adult programming menu.

How will advertising restrictions affect manufacturers? Competition is the name of their game. It is unrealistic to expect a concerned manufacturer to act responsibly while his competition is permitted to profit from his largess. The adoption of rules is necessary to protect responsible corporations from unfair competition.

Robert Thurston, a spokesman for Quaker Oats, has said that according to existing marketplace mores, premiums "are a competitive necessity. There is no way for individual companies to stop competing with premiums. But if the FTC stops them, we are not going to object."

ACT's position has been loudly extolled and supported by some of America's most prestigious professional organizations. The Board of Trustees of the American Pharmaceutical Association voted to support the elimination of advertising for vitamins and over-the-counter drugs on children's programs. Their decision to recognize a possible health hazard emphasizes the need for FTS action in this area.

Dr. Charles Armenta, founder of the American Society for Preventive Dentistry, has announced a campaign to label the sugar content of all foods and include a warning that sugar is detrimental to oral and general health. His organization has circulated a national petition to ban all television commercials for products containing sugar.

In addition, ACT's position is supported by most of the 100,000 letters and comments on file at the FCC in Docket #19142, the largest response to any proposed rulemaking in the history of the Commission.

How have the federal regulatory agencies responded? Members of the 2- to 11-year-old children's television market have become the victims of a bureaucratic shell game, while ACT and other consumer advocates take the stand in their defense. More than four years after ACT's FSS petition, countless pages of testimony, and innumerable and expensive ACT trips to the nation's capitol, the Federal Communications Commission issued to its Children's Television Report and Policy Statement, whose principal message was an apology for the agency's failure to take substantive action. While reiterating ACT's arguments in favor of the special protection of child viewers, the document treated the issue of children's advertising like a hot potato, and relegated that economically sensitive area to the domain of the Federal Trade Commission.

As a result of the inadequacy of the Commission's response, ACT has filed a petition for review of the policy statement with the U.S. Circuit Court of Appeals in Washington, and will continue to press for remedial action.

A 1972 petition to the Federal Trade Commission for a ban on food advertising was recently denied, but not before ACT had filed suit against the Commission for its three-year delay. The FTC pointed its finger at the Food and Drug Administration as a rationale for its denial, pending the outcome of research into the potential hazards of sugar-rich foods. And the FDA, no doubt, is trapped in suspended animation by the vocal rallying cries of the sugar lobby, whose interests countermand the nutritional and dental well-being of all future adults. If the federal regulatory agencies do not rule on this volatile issue, than each of you must answer to your constituents when they want to know the cost effectiveness of televised sugar-food advertising to children as a substitute for lower medical and dental bills in the decades to come.

ACT recently received a letter from Dr. Dale Roeck, Chairman of the Council on Dental Health of the American Dental Association, which states: "Exposing children to a barrage of high-powered advertising of sugar-rich products on television puts their dental health at risk and is also, of course, a deterrent to proper nutrition."

ACT would like to announce today that it will file another petition with the Federal Trade Commission, this time requesting a Trade Regulation Rule banning advertising for heavily sugared foods on children's programs.

It is not ACT's intention to interfere with the rights of manufacturers, broadcasters, and advertisers to function profitably within the American economic system. We seek only to secure and protect the rights of our children to be safe and healthy, and their freedom to learn how to make responsible choices based on an unclouded presentation of information. ACT would now like to anticipate some of the testimony which will be submitted to this committee by representatives from the three national networks. In particular, we would like to take issue with some remarks which were made recently in what ACT calls "the Pied Pauper Speech" of CBS's John Schneider. Children television, he lamented, has become "a marginal undertaking for CBS." The reduction in Saturday morning ad minutes, says Schneider, "has been costly to the industry in general and to CBS in particular." Mr. Schneider longs for the good old days, we might say, in which network coffers grew full at the expense of their youngest audience, and more than 25% of all available program time was usurped by manipulation commercial messages for cartoon character vitamins, products endorsed by program hosts, and alluring but deceptive toys.

The laws of the marketplace do not dictate that the rights of young children are subservient to cooperate profitability.

Rather than trying to rewrite the Communications Act, as Mr. Schneider has suggested, consumer groups have tried to build a buffer zone between children and the Saturday morning salesmen who have access to a segment of the population which is powerless to defend itself against their seasoned wiles.

ACT affirms its support for the first amendment and reiterates its abhorrence of government interference in a broadcaster's programming content. Our proposals to the federal regulatory agencies do not require a violation of the sensitive boundaries of censorship.

ACT has advocated only reasonable advertising restrictions, for which there is substantial need and ample precedent.

It is not the consumer groups, however, who must bear the ultimate responsibility for the broadcasting industry's infringements on the rights of this nation's youngest citizens. Our role is merely to serve as a barometer of national concern about issues which have a direct effect on the continued health, safety, and happiness of developing children. ACT can generate attention, present evidence, and suggest the adoption of policies to secure special protection for young television viewers, but we are powerless to enact and enforce legislation or regulations that would guarantee substantive improvement.

As elected representatives of the consumer constituency, Congress must take responsibility for change, or conversely, the blame for inaction. It is your job, not ours, to monitor the activities of the federal regulatory agencies which have become detached observers of the scene they have been empowered to govern.

Mr. MACDONALD. Thank you. As I indicated, I know that all of us have questions that we would like to ask you, but I think in the interest of saving a period of time for our next witness who is very well known and has done a lot of work in this field as well, that if you and the other people in ACT could answer questions that this committee might submit to you in writing and send them back here, we would certainly appreciate that and we certainly appreciate your coming here today.

Without objection, I would like to insert in the record at this point an article from the Washington Star by Mr. Robert Pear, "Bugs Bunny and Fireworks Ads," which is a general review of ACT's work in this field and also what this committee hopes to do. I personally thought the article was very well written and all-encompassing.

Therefore, without objection, it will be received at this time.

[The article referred to follows:]

[From the Washington Star, July 13, 1975]

BUGS BUNNY AND FIREWORKS ADS—THE WAY IT MIGHT HAVE BEEN

WHO WATCHES OVER TV COMMERCIALS FOR KIDS?

(By Robert Pear)

If everything had gone according to plan, children who follow Bugs Bunny, Magilla Gorilla and Hogan's Heroes on WDCA-TV might have seen a series of fireworks commercials in the two weeks leading up to the Fourth of July.

Eastern Import-Export, Inc., a distributor of fireworks, advised local retailers that it had scheduled 54 commercials during popular children's programs as part of "an aggressive TV advertising campaign."

But WDCA (Channel 20, an independent station) reconsidered and withdrew the commercials, partly as a result of complaints from a Boston-based consumer group, Action for Children's Television, which had been tipped off to the campaign.

The incident raised many of the same issues that will be aired this week as a congressional subcommittee turns its attention to broadcast advertising and children. The four days of hearings will be chaired by Rep. Torbert H. Macdonald, D-Mass., head of the subcommittee on communications of the House Interstate and Foreign Commerce Committee.

Among the scheduled witnesses is Peggy Charren, president of ACT, who said the fireworks flap showed the failure of the National Association of Broadcasters' code to protect children from TV ads promoting hazardous products.

Broadcast executives, on the other hand, generally say that industry self-regulation, with the help of consumers, is working. The effectiveness of self-regulation will be a major issue in the hearings.

Interviews on Capitol Hill last week found a growing belief that advertising on children's TV—"kidvid," as it's called in the trade—is a serious issue that has not received the official attention it deserves. The chairmen of the Federal Trade Commission, Lewis A. Engman, and of the Federal Communications Commission, Richard E. Wiley, probably will be asked about the inaction during the hearings.

The issue of advertising aimed at children links two of the most potent forces going—the imagination of a child and the profit motive—and involves a host of industries, including sugar, toys, breakfast cereals and, of course, broadcasting.

Grown men and women argue with utmost seriousness about chocolate mountains and Squirmies (the premium toy with Cheerios) and the propriety of a zebra singing the praise of Beech-Nut fruit stripe gum. It is a world where Tony the Tiger and Julius Cheeser and Hubble Q. Hubble (who says everything double) coexist side by side.

Children's advertising has traditionally been a significant revenue-producer for the broadcasting industry. A recent FCC study estimated network revenues from children's shows, including specials, at $104 million a year. All told, consumer activist Robert B. Choate estimates that more than $400 million a year is spent on TV ads directed at children.

Consumer advocates contend the United States is one of only four major countries that allow advertising on children's programs, and they say the other countries permit fewer minutes per hour.

Consumers and some congressmen say the children's advertising question has been shuttled back and forth.

"The past four years we've been in one door and out the other at the FCC and the FTC, with neither agency willing to make a rule protecting children," said Choate, chairman of the Council on Children, Media and Merchandising, a consumer group he founded. Choate is a onetime civil engineer who gained attention with a nutritional analysis of breakfast cereals in 1970.

"It is the old bureaucratic shell game, I think," Engman of the FTC said under close congressional questioning last year.

Government, industry and consumers all say that children need special protection from advertising. Because of their inexperience, kids are more trusting and vulnerable than adults. Younger children do not understand business transactions, much less the purpose of advertising. They have trouble distinguishing between advertising and program material.

Those are propositions on which psychologists are more or less agreed, though the study of children and TV is still in its infancy.

According to Choate, a "moderate" TV viewer under the age of 12 watches an average of 22 hours a week, or more than 1,000 hours a year, the equivalent of 47 days in front of the TV.

"During one year," he says, "this child will see 200 hours of commercials—a total of 22,000 ads for snacks, sweets, drinks, toys, drugs, pills and household chemicals and detergents. The impact of these super-polished 30-second messages is relatively unknown."

Research indicates that young children may actually increase their attention when a commercial comes on the screen.

Those who attempt to regulate advertising are like flat-footed policemen chasing after a winged chariot of the imagination as it races by. Thus, the guidelines of the NAB discourage "video devices such as cuts of less than one second in length, a series of fast cuts, special effects of a psychedelic nature (e.g., flashing colors, flashing lights, flashing superimposed copy)."

What particularly concerns Choate is that 90 percent of children's viewing occurs outside the weekend focus of the industry's self-regulatory effort.

The FCC, in a policy statement last October, said, "The hours spent watching television on Saturday and Sunday constitute, on an average, only 10 percent of (children's) total viewing time."

Children represent a smaller percentage of the audience on weekday evenings, but in absolute numbers, more kids may be watching then than on the weekend.

The NAB and the Council of Better Business Bureaus have both issued guidelines on TV advertising to children. Choate complains that they define children's programs so narrowly as to leave out 8 of the 10 shows most watched by children.

The children's unit of the council's National Advertising Division, completing its first year of work under Emilie Griffin, revised its guidelines last month to include week-night programs where children are a substantial minority of the audience, if the commercials are "clearly addressed to children 11 and under."

Virtually everyone associated with children's advertising worries that youngsters may be disappointed and disillusioned and alienated from the private-enterprise system if they are misled by commercials.

Mary Anne Lecos, chairman of the Fairfax County School Board and the mother of seven, said that "children, by the time they're 5 or 6, are telling the 2- or 3-year-old, 'Don't believe everything you hear on TV.' "

Some admen defend commercials as a method of "consumer socialization"—a way to inform and educate.

The FTC's Engman says children may be getting "a trial-and-error education in the rudiments of cynicism."

One of the most controversial questions that the hearings will explore is whether commercials for hazardous products lead to unsafe behavior in children. For example, are youngsters more likely to ingest over-the-counter medications or poisonous chemicals because the products are familiar from TV ads?

In 1971, ACT petitioned the trade commission to prohibit advertising of vitamins and other drugs on children's programs. Last year the NAB code banned such ads "in or adjacent to programs initially designed primarily for children under 12." (While the millions of children watching adult programs may not be protected, they presumably are more likely to be watching in the company of an adult.)

Among those expected to testify on this point is Barbara Fowles, a developmental psychologist with the Children's Television Workshop, which produces "Sesame Street" and "The Electric Company." She says that children may imitate an adult actor who relieves an ailment by taking a drug, especially if they see their parents doing the same thing.

But the argument is by analogy. A positive cause-and-effect relationship between the ads and poisoning has not been established.

Consumer activists say the ads may encourage drug-dependency, even as they say ads for snack foods foster a trend that results in poor nutrition and obesity.

"What industry sells to children is some of the worst products they make," says Charren, the president of ACT. "They'd never get away selling a purple marshmallow breakfast cereal that smells funny to adults."

"Food items with the lowest-cost ingredients can afford bigger advertising budgets than can the high-cost ingredient items," Choate told a weight-watcher's conference.

A recent episode of "Fat Albert and the Cosby Kids," one of the better Saturday shows, illustrates how programs sometimes reinforce the commercial message. Albert's friends stuff him full of peppermint, jelly beans, rock candy and licorice so they can win at "buck-buck," a game in which one team uses its weight to crush another.

The NAB code says that ads for snacks and candy "shall not suggest or recommend indiscriminate and/or immoderate use."

The other major type of advertising to children, for toys, is heaviest in the Christmas season. "Let's get that, Mommy," is a refrain familiar to parents. Children often specify the brand name of the product they want.

The ads encourage a child to "become a miniature salesman" in the home, ACT said in a petition urging the FTC to prohibit toy commercials on kids' programs.

For years, the NAB code has said that no commercial may urge a child to ask his parents to buy him a product.

Some parents are distressed to hear their children recite and parody advertising slogans. On the other hand, Jan Schiff of Arlington said her 6-year-old daughter "just doesn't pay any attention" to the advertising. "We've drilled into her that they're trying to sell something. We make fun of the ads, and I guess what we say is more important than what's on TV."

Why have Federal agencies not intervened in the field?

First, the FCC and the FTC share jurisdiction and neither wants to step on the other's territory. The FCC apparently has authority over the number, clustering and repetition of ads, while the FTC can regulate their content. But there has been confusion.

Wiley has said repeatedly that with ads, as with programs containing violence, industry self-regulation is preferable to government standards.

FCC officials express concern that interfering with ad content might set a precedent for infringing on the First Amendment. These fears are shared by the TV industry and by a group called FACT (Families Against Censored Television), headed by Madeleine S. Large of West Hartford, Conn.

However, the courts have held that product advertising has less protection under the First Amendment than other forms of speech. When a congressional ban on cigarette advertising on TV was upheld, the court said that broadcasters "have lost no right to speak—they have only lost an ability to collect revenue from others for broadcasting their commercial messages."

Consumer advocates hold more hope of action from the FTC because they consider it less a "captive of industry" than the FCC. The FTC's major step to date came in July 1974, when it proposed a ban on advertising of premiums, the giveaways that come with a purchased product, during children's shows. The agency is still soliciting comment on the idea, which was denounced by the NAB.

Prodded by parents, the government has coaxed industry to stiffen its own codes. The NAB has decided that beginning next January, nonprogram material (mainly commercials) during weekend kids' shows will be reduced to 9½ minutes per hour, the same amount that adults see in the evening prime-time hours.

With this change, Charren said, there has been a 40 percent reduction in nonprogram material since 1968, when ACT was founded.

The FCC has endorsed these self-imposed limits and amended its license renewal form to determine whether TV stations are complying.

About 60 percent of commercial TV stations, as well as the three networks, subscribe to the code. By next April, all TV members of the NAB will be required to abide by the code.

But at least one broadcast executive is prepared to testify that the NAB rules do not go far enough. Donald H. McGannon, president of Westinghouse Broadcasting Co., says the code is not strict enough. Westinghouse allows six minutes of non-program material per hour during children's shows—one of its many points of disagreement with the NAB.

John B. Summers, general counsel of the NAB, says: "The idealism that some people are seeking is ultimately in conflict with an advertiser-supported system of broadcasting. If you so restrict advertising that programs can't support themselves, then you destroy the system. One thing we never want to do is turn to government for assistance."

In a controversial study, an FCC economist, Alan Pearce, said the networks had suffered "no serious economic hardship" as a result of the reduced commercial content of weekend children's shows. Pearce, now on the staff of Macdonald's subcommittee, said the average price per minute tends to go up when the number of commercial minutes goes down, so the broadcasters suffered no great loss of revenue.

John A. Schneider, president of the CBS Broadcast Group, is expected to dispute that conclusion. Children's TV as a profit center for CBS is "rapidly fading into history," he told the network affiliates earlier this year. "Between 1972 and 1975, profits of our Saturday and Sunday morning television programing decreased by 69 percent."

One reason he cited was "a flight from the marketplace by some advertisers" who do not want to take the heat from consumer groups.

Mr. Macdonald. This is not a question, and so I am not breaking my own rule.

Do you happen to know whether or not those advertisements were scheduled to appear in jurisdictions where fireworks are permitted? I know many States in which fireworks are not permitted.

Mrs. Charren. There are, I think, 17 States in the country where fireworks are permitted. We managed to get these particular ads removed from the station altogether, although ACT tries to concentrate on advertising directed to children. We are having enough problems dealing with that small percentage of advertising.

Mr. **Macdonald.** Would they have been if the kids had sent away for them?

Mrs. **Charren.** They are legal.

Mr. **Macdonald.** I will check it out.

Mrs. **Charren.** There are lots of rules about children and fireworks, and the answer of the import-export company when I indicated to them that this is an unacceptable approach, utilized a disclaimer saying "use only with adult supervision" and this is exactly the thing that we think is useless when it comes to advertising to children.

We would be delighted to answer any questions the committee sends.

Mr. **Wirth.** I was wondering if it might be appropriate at this point if we might have her statement, or the statement of ACT as to specifically what you think this committee ought to be doing. You are saying that we don't need any more research. At the other end of your statement, you are talking about congressional oversight and the action of the FCC and FTC.

Are you suggesting that no kind of new legislation is needed, but rather more sitting on top of those agencies is needed?

Mrs. **Charren.** I think that the right kind of legislation could be very effective. In looking over the legislation proposed this morning, I am afraid it seems to concentrate a little too much on research, in contrast to getting some action. ACT worries about the next year, the next 9 months. We are unwilling to wait to give the industry an opportunity to postpone further action. We think since Congress actually has the responsibility for oversight when it comes to the regulatory agencies, that it should be up to Congress to make the agencies do something.

It shouldn't be up to the citizens' groups, that have an economic problem, when it comes to suing regulatory agencies to get them to act. That is to much to expect from American consumers. It is expensive to hire lawyers. It is expensive to get to Washington. It was expensive to come here today.

We believe if there is any meaning to oversight, that the regulatory agencies demonstrate remarkable oversight when it comes to handling the problem of children's advertising.

Mr. **Wirth.** I would hope that we might have the opportunity to talk in greater detail in the future.

Mr. **Macdonald.** Thank you. I would like to compliment ACT.

Our next witness is Mr. Robert B. Choate who is chairman of the Council on Children, Media and Merchandising, of Washington, D.C.

STATEMENT OF ROBERT B. CHOATE, CHAIRMAN, COUNCIL ON CHILDREN, MEDIA AND MERCHANDISING

Mr. **Choate.** In the interest of time, I will skim quickly through this blue testimony.

Mr. **Wirth.** Is that color or tone?

Mr. **Choate.** Watch it. [Laughter.]

Mr. **Macdonald.** Without objection, the statement will be considered as read and entered in the record.

Mr. **Choate.** Thank you. My name is Robert Choate. I am chairman of the Council on Children, Media and Merchandising. We have been friends with this committee and other committees on the Hill and those that have relationships with the Federal Trade Commission, FCC, and the Food and Drug Administration for over 5 years.

We point out to the committee in this testimony that a typical TV-watching child today sees over 22,000 commercials a year and that many of these are preliterate children. Many of the products seen advertised to the child are hazardous if used by children.

We point out to this committee that if you combine the child audience with the number of commercials for over-the-counter drugs advertised before those large audiences, there are over 6.2 billion child drug advertising connections made each year by television.

We point out to this committee that the NEISS reports of the Consumer Product Safety Commission indicate that there are an estimated 19,000 children admitted to hospital emergency rooms each year as a result of ingesting cleaning agents and caustic compounds, many of which are advertised on the programs where children are a substantial part of the audience.

Mr. Frey. How far does that report go? Do you have reports for a number of years?

Mr. Choate. No; NEISS, I believe, transferred from one agency to the Consumer Product Safety Commission when it came into being.

Let me point out to the committee something that is not in my testimony. In a typical week last fall, of the top 40 programs watched by children, there were 87 million children watching when they were in the majority of the audience, yet there were 132 million children watching when they were in the minority. So children, when they are in the minority of an audience are really a very important part of advertising.

On page 5, we point out the products that are particularly cited as reasons for poisoning; these are compiled from HEW's Poison Control Centers. On page 7 we point out that Alistair Cooke, a reasonable critic on the U.S. scene said:

> The thing that bothers me most about commercials is the medical brainwashing that the family gets on television. It seems to me that it easily outweighs any lessons in chemistry or biology that the child picks up in school. The body of our knowledge about medicine is fed to us from a very early age by commercials and it's idiotic medicine. Mostly, it's either harmful or useless.

On page 9, we quote Dr. Jay Arena, the past-president of the American Academy of Pediatrics when he said:

> Manufacturers should be urged to air drug advertisements during times when the children are less likely to be watching television and should also include warnings of danger in case of overdose on both the product and the ad.
>
> I believe that it is high time the manufacturers who stress the beneficial effects of their products—be they vitamins, drugs or even household agents—should also stress the safe use and inherent dangers of such products.

FTC Chairman Engman calls the children's TV advertising issue a "bureaucratic shell game". Dean Burch has said essentially the same thing. FCC Chairman Wiley—and I quote him at length in here—has said, I believe his words are "the FCC is an engineering, legal, and processing agency but one . . . without sociological orientation."

Mr. Wiley is running an agency which is a great traffic cop for broadcast licensees, but it does not want to get into considering the pedestrians that are also in the television world—the children and those who cannot come and petition the FCC themselves. Mr. Wiley seems to lean over backwards not to want any child expertise in his agency and probably will continue to do so until this committee and its counterpart on the Senate side indicate that something should change.

We don't know where to put our trust downtown. In 1973 Chairman Engman assembled a children's television advertising project made up of a few sponsors, broadcasters, and a great many advertising trade organization representatives. Charren and Choate were there with representatives of Consumers Union, Consumer Federation of America, some people from UCLA and Consumer Action Now.

It was very interesting to us in one early meeting that the FTC wanted no record of this study group. They wanted to have nothing on the record that these events had taken place. Interestingly enough, both the industry representatives and the consumers demanded that there be a record kept. We demanded that it be tape recorded and both industry and consumers now have a record of these meetings, but the FTC does not.

We wonder why agencies will consider a subject for 2 or 3 years, not act upon it and have no record of having it under consideration.

Mr. Chairman, one of the most important things about advertising to children when it is done on Saturday and Sunday mornings is the research that goes into those advertisements. These are not instant messages which are designed to help a person select a product. These are extremely carefully researched communications where 58-year-old people are trying to capture the mind of a 6- or 7- or 8-year-old child.

I did a lengthy analysis of this for Senator Frank Moss some years ago and we presented it as testimony in Manhattan. It is now out of print on the Senate side and we would like to submit our document entitled "The Selling of the Child" as part of the record of these hearings.

It uses the motivational researchers' own words to describe how they go out to grab the child's mind.

Mr. MACDONALD. Without objection, it will be received in the record.

Mr. CHOATE. On page 24 of the statement we go into how much we have tried to support research on advertising to children. I personally went to Dean Burch and to Miles Kirkpatrick in the early 1970's begging them to institute research so the critics and the networks and the Government would all be agreed as to the impact advertising has on children.

Miles Kirkpatrick supported it strongly; Dean Burch supported it weakly. We went to the National Science Foundation in May of 1973, over 2 years ago, and influenced various parties to sit down and figure out how to get a grant from the National Science Foundation to start this research.

If Mrs. Charren will excuse me, she once advocated not doing any research because it would be used as a reason for delay. But I thought that research was needed and kept advocating it. After at least 2 years of advocating it, what we have is a little NSF research to search the existing literature—nothing more. We don't think that research should be used as an excuse for delaying any action.

On page 25 we list some of the congressional attention to this issue. Most of the hearings are in the Senate and most of them deal with appropriations. On pages 26 and 27, there is a summary judgment of what has taken place. On page 28 I have a chapter on the reasons behind private sector and governmental inaction which stall action on advertising. We analyze the reasons for inaction at the Federal Trade Commission. I point out in a latter part of the testimony how we have urged the Food and Drug Administration to strengthen some of the warnings on labels of over-the-counter drugs. The FDA is sponsoring an entire review of over-the-counter drugs; we are now asking that ads for OTC drugs be harnessed vis-a-vis kids.

We point out that Chairman Wiley frequently uses the first amendment as a reason why there should be no controls over advertising and we remind the chairman that in the Supreme Court case, 316 U.S. 52, the Supreme Court said that advertisements are not so entitled to the protection of the first amendment.

Attorney General Bellotti of Massachusetts will testify later. We think that he will point out to you that the States have been preempted from dealing in broadcast matters, so that includes broadcast advertising.

In conclusion, it is preposterous in a country such as ours that 44 million children should be solicited by highly seductive ads to use products which on their label carry the warning "keep out of children's reach." Thank you very much.

[Mr. Choate's prepared statement and the analysis referred to follow:]

Statement of

ROBERT B. CHOATE

Chairman

COUNCIL ON CHILDREN, MEDIA AND MERCHANDISING

Before the

Subcommittee on Communications

of the

Committee on Interstate and Foreign Commerce

United States House of Representatives

July 14, 1975

1346 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 466 -2583

DIGEST

The testimony before the House Communications Subcommittee by Robert Choate of the Council on Children, Media and Merchandising on July 14 presents evidence of children's television advertising excesses and abuses. The testimony points out that the average TV watching child sees over 22,000 commercials a year, and that on the programs most popular with children, large numbers of over-the-counter drugs and hazardous products are advertised.

The testimony develops the statistic that over 6.2 billion child/drug advertising connections are created each year by television. Alistair Cooke, the ex-President of the American Academy of Pediatrics, officials of HEW, and others are quoted on over-the-counter drug advertising practices.

The history of private sector and public regulatory activity, or non-activity, to protect children is presented. The very limited coverage of the child code of the National Association of Broadcasters (effective primarily Saturday and Sunday mornings) is cited together with the statistic that 90% of child television watching occurs other than weekend mornings. The history also examines the delegation of protection to the private sector by the Federal Trade Commission, the Federal Communications Commission and to a degree the Food and Drug Administration.

A chapter of the testimony examines the reasons behind private and public inactivity and offers the suggestion that inadequate protection of voteless children is almost endemic to the private enterprise system.

The role of the Federal Communications Commission, the Federal Trade Commission and the Food and Drug Administration is explained. The need for neutral academic research towards understanding how children absorb and process sophisticated messages for sophisticated products is underscored.

INTRODUCTION

Mr. Chairman:

My name is Robert Choate. I am the Chairman of the Council on Children, Media and Merchandising. We have studied the child in the marketplace for five years. We have interacted frequently with the Federal Trade Commission, the Federal Communications Commission, the Food and Drug Administration and other agencies of government. We have testified frequently before Congressional Committees interested in commercial practices toward children.

...When a moderate TV watching child sees over 22,000 commercials for a wide range of products in the course of a typical year in this country;

...When pre-literate children are considered a fair target for sophisticated, polished commercials for foods of dubious worth;

...When products hazardous to children are advertised before child audiences running in the millions, yet carry minimum warnings and contraindications;

...When a nation is concerned with youth's consumption of drugs but ignores over 6 billion drug advertising connections made to children under 12 by television each year;

...When cleaning agents and caustic compounds cause an estimated 19,000 children under 5 to be taken to hospital emergency rooms each year;

...When hundreds of thousands of irate parents comment to a federal agency to do something about children's television and the agency does not respond for four years;

...When the Chairman of a regulatory agency tells Congress that the children's television advertising issue is caught in a "bureaucratic shell game";

...When reruns such as "I Love Lucy", "Gilligan's Island", "Hogan's Heroes" and "Bewitched" attract huge child audiences but are not subject to any broadcaster child code;

> ...When 44 million children are not served by their government or an elected representative;

IT IS TIME THAT THIS CONGRESS AND THIS SUB-COMMITTEE ON COMMUNICATIONS REVIEW THE ACTUAL PERFORMANCE OF THOSE WHO PROFESS TO PROTECT CHILDREN.

PART I

THE SUBSTANCE OF ADVERTISING TO CHILDREN

The ten television programs which attracted the largest child audiences in the fall of 1974 were:

Emergency	8:00 PM	Saturday
Wonderful World of Disney	7:30 PM	Sunday
Planet of the Apes	8:00 PM	Friday
The Waltons	8:00 PM	Thursday
Happy Days	8:00 PM	Tuesday
Apple's Way	7:30 PM	Sunday
The Rookies	8:00 PM	Monday
Land of the Lost	10:00 AM	Saturday
Little House on the Prairie	8:00 PM	Wednesday
New Adventures of Gilligan	9:30 AM	Saturday

Source: A.C. Nielsen Company

Of these programs, the National Association of Broadcasters child code applied only to "The Land of the Lost" and "New Adventures of Gilligan."

In ten sample communities, the top 20 programs included these additional program titles; the application of any child code is dubious: (See Appendix 1)

The Six Million Dollar Man
Mannix
Adam 12
All in the Family
Odd Couple
Gilligan's Island
Here's Lucy
To Tell the Truth
Gomer Pyle USMC
Gunsmoke
Get Smart

During three recent weeks between 7:30 and 9:00 PM, 106 commercials for over-the-counter drugs, household chemicals, aerosol products, lighters and razor blades appeared on national television to audiences estimated to include as many as 8 million children under 12. On the 40 most popular programs[1] watched by children, the following products were among those advertised during a three week period in the fall of 1974:

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1. See Appendix 2.

Geritol
Anacin
Bayer Aspirin
Digel
Alka Seltzer
Unicap Vitamins
Arthritis Pain Formula
Dristan
Bufferin
Visine
Nyquil Cold Product
Sominex Sleeping Aid

Lysol
Arm & Hammer Oven Cleaner
Clorox Bleach
Drano
Scott's Floor Stripper
Mop 'n' Glow Cleaner & Waxer
Listerol Spray Disinfectant
Dow Oven Cleaner
Pine Sol Cleaner

Bic Butane Lighters
Wilkinson Bonded Blades [1]

On the other hand, on the top weekend programs watched by children, when the NAB child code is in effect, the following products were advertised:

Kellogg's Cereals
General Foods Cereals
General Mills Cereals
Quaker Oats Cereals
Ralston Purina Cereals
Kool Aid
Tang
Koogle Peanut Butter
Chiclets
Hunt's Snack Pack
McDonald's *

Marx Toys
Milton Bradley Toys
Hasbro Toys
Romper Room Toys
Mattel Toys
Kenner Toys
Marx Toys
Ideal Toys
Jiffy Pop Popcorn
Burger King
Nestle's Crunch [2]

The heaviest advertisers of over-the-counter drugs and hazardous products to children all week long are:

American Cyanamid (Pine Sol)
American Home Products (Anacin, Arthritis Pain Formula, Dristan, Preparation H, Primatene Remedy)
Bristol Myers Co. (Bufferin, Drano, Excedrin)
The Clorox Co. (Clorox)
Dow Chemical Co. (Dowguard, Dow Oven Cleaner)
Miles Laboratories (Alka Seltzer, One-A-Day Vitamins)
Nabisco, Inc. (Geritol, Sominex Sleeping Aid)
Richardson Merrell Inc. (Nyquil Cold Remedy)

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1. Sources: A.C. Nielsen Company and Broadcast Advertiser Reports for the period 9/23 - 10/13/74.

2. Ibid.

* McDonald's spent $1,443,000 advertising on Saturday and Sunday morning programs alone in the first half of 1974 on network TV. (Broadcast Advertiser Reports, First Half 1974.)

Shering-Plough Corp. (Di-Gel)
Scott's Liquid Gold, Inc. (Scott's Liquid Gold Floor Stripper, Scott's Liquid Gold)
Smithkline Corp. (Contac)
Sterling Drug Inc. (Bayer Aspirin, Haley's MO, Lysol)
Upjohn Co. (Unicap Vitamins)

(Source: A.C. Nielsen Co., and Broadcast Advertiser Reports for the period 9/23 - 10/13/74.)

The Department of Health, Education and Welfare's National Clearinghouse for Poison Control Centers has documented the following cases of child misuse of over-the-counter drugs and hazardous products: [1]

Product	No. of cases - children under 5
Vitamins	5,146
Adult Aspirin	1,098
Children's Aspirin	4,275
Bufferin	160
Visine	84
Desitin Ointment	476
Lanacaine Cream	8
Contac	246
Dristan Capsules/Tablets/Mist	69
Nyquil	72
Alka Seltzer	13
Anacin	119
Excedrin	168
Sominex	58
Di-Gel Liquid/Tablets	40
Pepto Bismol	123
Ben Gay	566
Head & Shoulders Shampoo	336
Ex-Lax	730
Clorox	1,639
Lysol Disinfectant	579
Dow Oven Cleaner	21
Drano	241
Easy Off Oven Cleaner	70
Lysol Cleaner	268
Pine Sol	509
Liquid Gold	508

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1. 1973 statistics, HEW's National Clearinghouse for Poison Control Centers. (Selected figures.) See Appendix 3.

The Consumer Product Safety Commission's National Electronic Injury Surveillance System data shows the following cases of accidental poisonings of children:

Product category	No. of cases - children under 5 [1]
Cleaning Agents, Caustic Compounds	474
Household Chemical Products, Other	148
Waxes & polishes	49
Pressurized/aerosol containers	23
Razors, shavers & razor blades	65
Cosmetics	229
Non-Prescription drugs	836

Individual Poison Control Center case histories include the following:[2]

A three and a half year old child ingested approximately 20 Bugs Bunny Multivitamin Tablets. The child's mother had the vitamins in her dresser drawer. The child thought they were candy and ate them. The hospital discussed safety precautions with the child's mother and gave her some literature. The hospital suggested that the mother give the child Ipecac Syrup to induce vomiting.

Two children, ages 3 and 4 ingested approximately 20 Pals Multivitamins with Iron tablets each. The hospital listed the cases as self poisonings. Both children were treated with Ipecac Syrup to induce vomiting.

A two year old child ingested an unknown amount of Bugs Bunny Vitamin tablets. The mother informed the hospital that the tablets were on the top shelf over the sink and that the child had to climb many obstacles to reach the pills. Ipecac Syrup was administered to the child to induce vomiting

Three children ingested an entire bottle of Chocks Vitamins among them. Their ages ranged from 4 to 6. The mother called the hospital, was told to give the children milk and to bring them to the hospital so that Ipecac Syrup could be administered to induce vomiting.

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1. 7/1/74 - 12/31/74 statistics, CPSC's National Electronic Injury Surveillance System, NEISS News, April 1975. (Selected figures.)

2. 1973 data compiled from HEW's National Clearinghouse for Poison Control Centers card files.

There are additional statistics and case histories available on ingestion of drugs and hazardous products by the young, but cases of ingestion by children over five years of age are lumped into a category which includes all persons over five, and hence would be irrelevant to this testimony.

The Consumer Product Safety Commission maintains a Hazard Index for Children. In Fiscal Year 1974 they projected from their available sample figures and estimated that there were 19,000 hospital emergency room admissions for cleaning agents and caustic compounds.

Coupling the incidence of over-the-counter drug advertising on the 40 programs most popular with children with the young audiences watching those advertisements, we have the following equation:

67 (OTC drug commercials in typical three week period)
X 17 (weeks)
X 5,500,000 (average child audience)
= 6,264,500,000 (Number of Child/Drug Connections aired)

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Not long ago, Alistair Cooke observed:

> The thing that bothers me most about commercials is the medical brainwashing that the family gets on television. It seems to me that it easily outweighs any lessons in chemistry or biology that the child picks up in school...The body of our knowledge about medicine is fed to us from a very early age by commercials -- and it's idiotic medicine. Mostly, it's either harmful or useless.

We concur. We also asked experts in child health issues for their opinions.

We have asked Dr. Carl Rickles of the University of Pennsylvania, Chairman of the Food and Drug Administration's OTC Drug Review Panel on Sedatives, Calmatives and Sleeping Potions, how he feels about advertising such products before large child audiences. He replied that he wants more time devoted to warnings in the ads.[1] He feels OTC sedatives should not be used by children. He said, "My gut feeling is that there should be as little advertising of these as possible".[2]

Dr. Fred Margolis of Michigan, a member of the American Academy of Pediatrics, is even more blunt: "Poisoning is our Number One emergency among children. Don't forget smart kids experiment more."[3]

I believe you have received communications from the American Academy of Pediatrics and from FDA Director Alexander Schmidt on this subject. I trust they will become part of the record.

Ex-Assistant Secretary of Health Philip R. Lee, M.D., says in his book Pills, Power and Politics,

> Special concern has been expressed over the potential impact of public drug advertising on drug abuse, and particularly its impact on children. "One of the messages children receive from such advertising is that medicines have magical qualities", it has been claimed by Dr. David Lewis of the Harvard Medical School. "They watch on television as a pill causes the instant transformation of a sufferer's face from glumness to glee. My concern is that such widespread promotion of drugs, their magical qualities, and the immediacy of their effects, may be factors that encourage our children to experiment with their own array of drugs."

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1. See Appendix 4 for child warning messages on product labels.
2. Telephone conversation, 7/2/75.
3. Conversation in Kalamazoo, Michigan, 4/11/75.

Dr. Jay Arena, past-president of the American Academy of Pediatrics, expressed his views on general pill advertising three years ago.

> The advertising of any medication needs restraint in claims made about it. But today children are often being urged to ingest potentially toxic compounds without any essential warnings or protection regarding them...
>
> Manufacturers should be urged to air drug advertisements during times when the children are less likely to be watching television and should also include warnings of danger in case of overdose on both the product and the ad. I believe that it is high time that manufacturers who stress the beneficial effects of their products - be they vitamins, drugs or even household agents - should also stress the safe use and inherent dangers of such products.[1]

Surely this body of facts and opinions warrants Congressional attention.

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[1] New York Times, p. 35, 6/30/72.

PART II

HISTORY OF THE CHILDREN'S TV ADVERTISING CONTROVERSY

Today a moderate TV watching child sees 22,000 commercials a year. For the youngest children, 2/3 of these ads are for edibles. For the rest, the spectrum of products runs from pills to insurance.

How did this sad state of affairs come about?

After World War II the electronic industry was super-charged to introduce into every American home the new medium called television. To sell sets, the breadth and depth of the medium had to be sold, and television's enterpreneurial producers developed stories and scenarios specifically for the teenager, the newlywed, the aged, and, of course, the child.[1]

A willing participant was the food industry, for it too had a new technology -- processed forms of food. A plethora of foods could be sold in colors, containers, and ready-made forms which the housewife should not be able to resist. She was told she wanted to escape the kitchen's drudgery, and "convenience foods" became a national password.

It did not take the electronic industry long, with its eager new food sponsor, to discover that children could be salespersons within the home. Sponsors tried various techniques on various audiences, and food messages to children seemed to work. The dry cereal industry, never renowned for its ethics, came to regard children as its own emissaries.

In the early 1960's, Mattel, a Los Angeles-based pusher of girl dolls, decided to experiment with a huge advertising budget aimed at

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1. Children's TV; the Economics of Exploitation, by William Melody, Yale University Press, 1973.

children. For once, no mothers could bar the door; Mattel's message would be beamed directly from the corporate suite to the eight year old's fertile imagination. The Barbie Doll campaign caught on. Every eager sponsor of toys, foods, clothing, and even gasoline got the message. "Sell the kids and you've sold the family."

The resulting ad stampede had its inevitable effect on the nation's eating habits. Food consumption habits, surveyed in 1965 and compared to 1955 by the Department of Agriculture, showed nutritional slippage. Harvard's Jean Mayer said, "The fact is that, if we want to preserve the nutritional integrity of our food supply in the face of our transformation of the architecture of our meals, and the change in the nature of our foods themselves, we shall have either to legislate enrichment of all foods with all nutrients or give the consumer the information he or she needs to consume a modern balanced diet." 1/

In a mounting investigation of hunger in the United States, the decline in the nation's nutritional health came to light. 2/ The Congress became aware of the need for reforms in the nation's food habits in the late sixties. The White House planned a Conference on Food, Nutrition and Health.

Meanwhile, in Massachusetts, a group of irate mothers formed a nucleus to change local television station's practices toward children, both in advertising and programming. Action for Children's Television (ACT) was born.

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1. U.S. Nutrition Policies in the Seventies, by Jean Mayer, W.H. Freeman and Co., Chapter 14.

2. Hunger U.S.A., A Report by the Citizens' Board of Inquiry into Hunger and Malnutrition in the United States, Beacon Press, 1968.

The 1969 White House Conference on Food, Nutrition and Health not only discussed at length the nutritional miseducation of children represented by television; it also laid down specific recommendations:

> Nutrition education, as the President has said repeatedly, is a matter of first priority. Therefore, it cannot be cast in a beggar's role with radio and television stations for air time which is the people's property to begin with.
>
> Any nutrition education program must have the assurance that it will have at least as much exposure to the people through their mass media as is received by any selling effort on radio and television in behalf of major cigarette brands, automobiles, or airlines or other major consumer product selling efforts. These are not impugned. We merely say that nutrition education should get at least as much mass media support. 1/

The nation's food executives who participated in the White House Conference promised reforms. But by March of 1970 it was obvious the reforms would be slow in coming. Up to that time, I had been a senior staff member of the hunger crusade and the White House Conference; I listened to my children discuss the way dry breakfast cereals were sold on children's programs as compared to the manner in which they were sold on adult programs. A quick examination of the nutritional worth of the children's cereals revealed why the two types of messages might be different -- the nutrition in the children's cereal had been displaced by technicians and salesmen more interested in sugar.

Testimony to this effect in July 1970 produced headlines around the world. 2/ Eighteen months later, 36 of the 40 children's cereals I criticized had been reformulated. Vitamins and minerals were added, but the sugar content still remained high. The Council on Children, Media and Merchandising was then born.

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1. White House Conference on Food, Nutrition and Health Report, p. 183.

2. See testimony of Robert B. Choate before the Consumer Subcommittee of the Senate Committee on Commerce, July 23, 1970.

An ensuing White House Conference on Children and Youth also recognized television's attraction for children. It's selling habits were noted:

> FCC Ban on Commercials
>
> 2.11a The Federal Communication Commission (FCC) take steps to stop production of mood altering drug commercials on radio and television because of the psychological effects on youth. The FCC should suggest to radio and television stations that public service time be focused on drugs and be presented to the public during prime time (6 p.m. to 9 p.m.) so that maximum benefit from these commercials will be derived by those persons most needy of this kind of education. We further suggest that sophisticated materials relating to the drug issue presenting the full scope of the problem be made available for all stations, in particular the small ones. [1]

By this time many of the nation's parents were aware that children were almost too attentive to television, and that program quality was deteriorating. The early effort to win audiences by imaginative programming slipped into mass cartoons, growing violence and up to 32 commercials per hour. Bored with the subject matter, few parents took time during weekend mornings to analyze what was in the "Kid-Vid Ghetto" as Variety called it.

ACT did. Peggy Charren will tell you of ACT's petitions to the FCC starting in 1970 and 1971. The Council too began to move. It went to the networks, the sponsors, and the advertising agencies. The private sector seemed to be the place to start.

We discovered that "cereal editors" at the networks had never taken nutrition courses and hence were in no position to judge the honesty of the food sales message. We discovered that Madison Avenue did not believe that nutrition could be sold; and even while a few advertising leaders, responding to the White House Conference on Food, Nutrition and

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1. White House Conference on Youth - Examination of Recommendations, Hearing before the Subcommittee on Children and Youth, Senate Committee on Labor and Public Welfare, August 2, 1971. (See Appendix 5.)

Health, were pushing on the White House an Advertising Council campaign to tell the public the ABC's of nutrition, ad agencies themselves hired no nutritionally competant staffers.

We discovered that the food companies did not want to lower their sugar coatings and , in fact, were developing newer forms of confections to be sold to children on weekend mornings. The nation's nutritionists eventually woke up to the fact that they did not need to genuflect every time a food corporation executive looked in their direction.[1] The Nutrition Foundation came under scrutiny for its industry bias. Food editors in major newspapers started to reject the canned stories of great products mailed to them by the food corporations.[2]

In an effort to get to the "heart" of the broadcasting world, the Council on Children, Media and Merchandising's legal counsel and I appeared before a meeting of the National Association of Broadcasters Code Authority on May 26, 1971 with a professional analysis of television's food sales efforts, particularly to children.[3] Pointing out that most items advertised on Saturday and Sunday mornings were for food, we graphed the emphasis on edibles during the weekend mornings.

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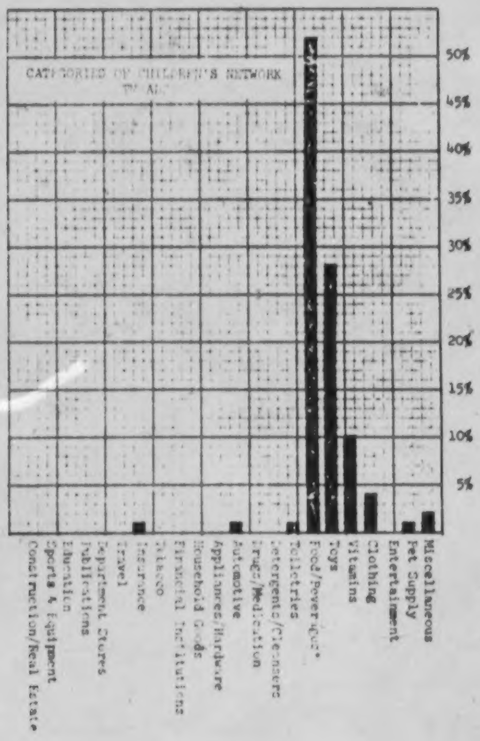
1. See testimony of Joan Gussow before the Subcommittee on the Consumer of the Senate Commerce Committee, March 2, 1972.

2. "Newspaper Food Pages: Credibility for Sale", by Phillip Karp, Columbia Journalism Review, November/December 1971.

3. Copies for sale by the Council on Children, Media and Merchandising.



Data is from Broadcast Advertisers' Reports, Network TV, Week Ending April 11, 1971.

* Food and beverages include drive-in restaurants.

The result? The NAB Code Authority took the matter under advisement for six months and then rejected the issue as not warranting their attention. (I wonder now whether they will think back to the wisdom of that decision. If they had moved, much of the impetus for advertising reform would have abated.)

The rejection by the NAB was anticipated, for their questions had been desultory. The Council then went to the Federal Trade Commission and asked for a total examination of the way items were sold to children. Products other than foods were mentioned for it was becoming obvious that children were slipping out of the Saturday/Sunday morning television habit, and were watching more late afternoon reruns and early evening situation comedies. We asked the FTC to look into drug advertising, comic book advertising, and even the way gasoline was sold through children. (Remember the Texaco toy trucks, ARCO's arks with over a dozen pairs of animals, or Shell's dolls?) 1/

We did convince the FTC to hold advertising hearings. But the sponsors, agencies and broadcasters moved en masse to change the nature of the hearings. Children quickly became the non-focus. Ten days of witnesses were planned. The FTC was persuaded to let the industry's big guns occupy the witness chair in the beginning while the press was attentive. Those testifying on children, including myself, were given later and more limited time slots. But the 1971 hearings on advertising do contain our record of having tried to persuade our government to move

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1. See testimony of Robert B. Choate before the Federal Trade Commission, November 10, 1971.

to protect children from advertising abuses.[1] We pointed out the insidiousness of advertising over-the-counter drugs to children.

Meanwhile, the Food and Drug Administration was moving. Carefully wooing industry's slow compliance, it ordered changes in the nutritional claims of packaged foods. It spoke out at nutrition meetings on the ineffectiveness of some forms of the new food concoctions. The late nutritionist Judith Cooke worked hard on food label reforms and then moved over to the FTC to help them start the new advertising phraseology.[2] Her untimely death, coupled with a classic case of young lawyers invading territory they couldn't comprehend, sent the FTC effort into a nutritional tailspin.

One exception was the quietly synergistic cooperation of FTC's Robert Pitofsky and FDA's Peter Hutt, the meeting of FTC Chairman Miles Kirkpatrick with a 12-year-old named Dawn Kurth, and the pressures of ACT and a few doctors which resulted in the decision of vitamin pill companies to pull their messages off the Saturday/Sunday morning programs for children. (Perhaps they knew that the larger children's audiences already had moved to late afternoon and early evening, where vitamin ads continued to be placed.)

The Council on Children, Media and Merchandising's efforts with the private sector continued. We implored the Libby Company to publish

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1. See "Advertising and the Public Interest: A Staff Report to the Federal Trade Commission," by John A. Howard and James Hulbert, February 1973.

2. See "FTC Still Dragging" by Marion Burros, Washington Star News, 11/29/73.

and improve the nutritional content of the frozen dinners they advertised to children -- but without success. We joined others and beseeched Continental Baking to correct its advertising and lower its sugar content, but Wonder Bread and Hostess Twinkies stayed the same.

By this time our acquaintences included executives from the American Advertising Federation, the Association of National Advertisers, and the American Association of Advertising Agencies -- the trade organization and lobbying arms of the advertising industry. Their total lack of conscience toward children was all too apparent. In an effort to correct their inadequacies from within, my office spawned an idea for a group of advertisers and members of the public to band together to make corrections in misleading advertising prior to any governmental involvement. The group was to be a private regulatory group but of such breadth of public members that anti-trust violations were impossible. Victor Elting, then Chairman of the American Advertising Federation, was given the idea. A year later something called the National Advertising Review Board was born, but its public membership was weak -- a typical industry reaction.

ACT's pressure on Chairman Dean Burch and the FCC by this time had stirred up a plan for hearings on children's television. Burch himself started to make speeches about protecting children. In a February 2, 1971 address to the American Advertising Federation he said:

> I believe that in the case of advertising directed to children, the standards of what is false and deceptive must be judged in light of the crucial fact that the audience is so unsophisticated, so young and trusting. It is, I submit, intolerable to seek to bilk the innocent with shoddy advertising appeals. As some person aptly put it, that is akin to statutory rape.

The FCC held hearings in October 1972 and January 1973 on the issue of children's television.[1] The Council again voiced its concern and made recommendations for advertising reform.[2] After almost four years of discussion and contemplation, the FCC appeared ready to move, and seemed to have a majority in favor of doing something to protect children from programming and advertising abuses. Curiously, the Chairman chose not to perform, and resigned in the Spring of 1974 with the matter unresolved. Ex-General Counsel of the FCC Richard Wiley came aboard as Chairman. He eliminated Burch's staff on children and did not bother to read the staff's report on children's television until a column by Jack Anderson exposed the existence of the "buried FCC study".[3] It soon became evident that the FCC thought of itself, in the Chairman's words, as "an engineering, legal and processing agency"[4] which is "probably at this point not set up for deep psychological and sociological aspects of our work."[5]

During this period, Federal Trade Commission Chairman Lewis Engman was erupting in action-oriented phrases. In a speech before the American Advertising Federation on August 6, 1973 he called for reforms in children's television advertising. The phraseology was startling:

> ...I believe that the time has come for action on children's television advertising. And if television advertising deceives our children, if it frustrates them through false or misleading promises, if it promotes the sale of dangerous toys of other products, if it fosters dietary habits which endanger their

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1. Except for the FCC's internal transcripts of these hearings, there is no public record of either of the three day sessions held in October and January.

2. See testimony of Robert B. Choate before the Federal Communications Commission, January 9, 1973.

3. "Buried FCC Study Blasts Broadcasts", by Jack Anderson, The Washington Post, 3/26/74.

4. Testimony of Richard Wiley before the House Appropriations Committee, March 12, 1974

5. Testimony of Richard Wiley before the Senate Appropriations Committee, March 8, 1974.

> health -- if it does these things, I think television advertising will soon find itself circumscribed by legal restrictions and requirements.

....

> ...And, whether it is voluntary action, or action by the Congress, or by the Federal Communications Commission, or by the Federal Trade Commission, or by any other branch or agency of government, is up to the interested parties. But I am confident, and I assure you, that there will be action.

The trouble with the speech was soon evident. Engman had not cleared it with his fellow Commissioners, and they downplayed it as non-Commission policy. A few on the FTC staff were told to look at child issues; Gerald Thain became a source of FTC wisdom on children. A Pitofsky protegé, he soon found the Commission was ambivalent on children's issues. But Chairman Engman assembled a Children's Television Advertising Project made up of a few sponsors, broadcasters and a great many advertising trade organization representatives. Charren and Choate were there, with representatives of Consumers Union, Consumer Federation of America, U.C.L.A. Communications Research Program, and nutrition educator Joan Gussow of Consumer Action Now.

An early confrontation indicated the strength of the FTC's interest in children. The FTC's young lawyers wanted no minutes, no tapes, and no official record of the meetings. The consumers did. Even the industry personnel thought the FTC position strange. The FTC's underlings fled to the phones for advice when the consumer and industry representatives combined to overturn the FTC's "no record" plan. (We still have the curious tapes of those most curious meetings.) Perhaps eight meetings took place over nine months under the FTC's nervous mantle. Nothing happened. The FTC gave up in despair. Three years after their hearings on advertising, originally inspired by the children's issue, the FTC had accomplished nothing.[1]

The FCC was into its fourth year of inaction when the FTC negotiations collapsed.

The National Association of Broadcasters, however, was not idle. It smelled the change in the political wind and went to its membership with proposed amendments to its code for children.[2] Carefully phrasing its reforms to exclude most of the television children watch, the NAB came forth with platitudes and goals which reminded one of Fourth of July speeches about the hearth and flag. In full page advertisements in major newspapers and magazines, the NAB boasted:

> ...Here are some don'ts from the Code: Children can't be shown risking harm. And they can't be told to ask their parents to buy things for them. Ads musn't mislead. And they musn't confuse young viewers or cause dissatisfaction by comparing one toy with another. Program hosts can't sell to youngsters during their programs, and famous people whom kids admire can't endorse items. Products must not be overglamorized, but shown as they are. Words like "just" and "only" can't be used to make prices seem attractive...Medical remedies can't be sold in or near children's programs. (emphasis added.)
>
> The Code is one way broadcasters meet their responsibilities to youngsters.[3]

The ad said nothing about the very limited application of the NAB code.

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[1] See address by Chairman Lewis Engman before the American Advertising Federation, June 3, 1974.

[2] NAB Code News, May and June, 1974.

[3] NAB Code News, March 1974, p.3.

The Council of Better Business Bureaus urged its National Advertising Division to get into the problem area, but restricted it to advertisements on programs where children were in the majority of the audience. It did so by adopting the two year old untried code of the Association of National Advertisers. However, it also pulled together a Children's Review unit and asked seven respected child experts to advise it. They reviewed the ANA principles and have just published modified Children's Advertising Guidelines.

The guidelines sound fairly intelligent until one reads between the lines and realizes that the phrase, "medications, drugs and supplemental vitamins...should not be advertised to children" is conditioned by the disclaimer:

> Commercials appearing in shows for which children are a substantial audience segment, but less than 50%, will be regarded as subject to these Guidelines only when they are clearly addressed to children eleven and under.

Thus Sominex, appearing last Fall on major child programs, would have to say the pill was for those eleven and under to come under the "revised guidelines."

Some improvement! Some revision! These guidelines, like the NAB

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1. Letter from William Tankersley, Council of Better Business Bureaus, to Robert B. Choate, November 12, 1974.

Code, have no enforcement power.

We ourselves looked for help from neutral researchers interested in children. While there may be 100,000 papers on how children learn, there are probably not more than 1,000 on how they learn from television, and less than 100 on how they learn from commercials on television. 99% of the research is based on United States practices. The clique of television child researchers is small. But the names are familiar to those in child development: Atkin, Bandura, Fowles, Friedlander, Himmelweit, Kenniston, Lesser, Liebert, Lyle, Maccoby, Mielke, Palmer, Stein, Wackman, Ward and White.

Among those who obviously work on industry's side there are hundreds, including Banks, Helitzer, Heyel, Hyatt, Reilly, Wells, etc. Motivational research by those who want to perfect ads to children is crass and blunt. Our testimony before the Consumer Subcommittee of the Senate Commerce Committee on February 27, 1973 entitled, "The Selling of the Child" lays bare the practices of these "researchers" who analyze children for those who sell to them.[1] I hope you follow up on that research.

The scope of the research by academicians who are not solely interested in selling is more diverse. You have called two top witnesses to this hearing and will soon be able to assess the state of the art. Remember please that the shortage of such research is a reflection on how little attention has been paid to defending children.

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[1] Copies of this testimony available from the Council on Children, Media and Merchandising at $5.00 per copy.

We knew more research was needed if industry's practices were to be evaluated. We went to FCC Chairman Burch and FTC Chairman Kirkpatrick in January 1973, and to their successors over a year later, urging the two Federal agencies we assumed were most responsible for protecting children to fund and foster research where it was needed. I held a lunch at the Federal City Club in May 1973 and assembled people from the National Science Foundation, Children's Television Workshop, the Federal Trade Commission, and the Federal Communications Commission. A proposal to the National Science Foundation was thought prudent. It took a year to draft the proposal; it took half a year to process it; it took FTC and FCC urging to push it through.[1] At last, the National Science Foundation has funded a $124,000 research project at Harvard to permit experts to survey the existing literature on the effects of television advertising on children. After two years, no new government inspired research has been started to protect children.

The Congress, meanwhile, was only half asleep. Between 1970 and the Spring of 1975, the following hearings produced testimony on advertising to children. The list is not complete, for casual references to children and advertising may have appeared frequently else-

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1. Letters expressing support and need for research by FTC Chairman Miles Kirkpatrick to Robert Choate on 1/10/73 and by FCC Chairman Dean Burch to the Bruner Foundation, 2/14/73.

where:

Dingell - House 6/11/71
Moss - Senate Consumer Subcommittee - 7/23/70
Moss - Senate Consumer Subcommittee - 3/2/72
Moss - Senate Consumer Subcommittee - 2/27/73
McGovern - Senate Select Committee on Nutrition and Human Needs 3/5,6,12/73
Proxmire - Senate Appropriations - FCC - 3/8/74
Boland - House Appropriations - FCC - 3/12/74
Moss - Senate Legislative Oversight - FTC - 3/14/74
McGee - Senate Appropriations - FTC - 3/26/74
Whitten - House Appropriations - FTC - 3/26/74
Pastore - Senate Oversight - FCC - 3/27/74
Pastore - Senate Commerce Hearings 7/25/74
MacDonald - House Overview 3/11/75
Pastore - Senate Oversight 4/22/75
Slack - House Appropriations 5/14/75

The type of hearing you are holding this week, Mr. Chairman, is a rarity on either side of the Hill, particularly so in the House.

In all that testimony, two items stand out. Chairman Engman, responding to a question by Senator McGee during the FTC Appropriations hearings admitted that the children's advertising issue was caught in "the old bureaucratic shell game".[1] In 1975 before the House Appropriations Subcommittee he made no mention of children whatsoever in his prepared remarks.

The Senate has paid attention to the issue of the child in the marketplace, but no better conduct is noted in the agencies downtown. The House Appropriation hearings have included clear instructions from the members that children are to be better protected. But legislative oversight hearings and appropriations hearings are not the answer. Questions are raised; Congressional opinions are stated; but the agencies carry on as before.

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[1] See subcommittee of the Committee on Appropriations, U.S. Senate, hearings on March 26, 1974.

SUMMARY JUDGMENT

This chronology justifies the skepticism consumers acting in behalf of children hold for due process reforms of a national ill.

The private sector, approached for internal reform, has publicly questioned the validity of those who question its policies. It has gone behind closed doors and enunciated reforms which apply to as little of broadcast commercialism as they think they can get away with. The definitions of "children's advertising" are transparent in their desire to evade coming to grips with the problem.

Agencies of government, perhaps equally responsible for industry health and consumer protection, have bought the industry line hook and sinker. The Congress has perfunctorily watched the performance of these agencies and has looked the other way -- perhaps because alienating broadcasters makes the next campaign more expensive.

(The written press has vacillated in its coverage of the issue. Newspapers have covered some of the accusations and responses. The national magazines, particularly Time, seem to have a deaf ear. Such periodicals as the Wall Street Journal carefully have shied away from looking at the equation between good programming to children and massive profits gleaned from an unsuspecting audience. Television itself not only has chosen not to tell the child and his parents of the limits of code protections, but has carefully avoided covering in news programs the issues raised by children's television critics to the point where its censorship is obvious. We will watch this week's coverage with interest.)

So we come to the House Communications and Consumer Subcommittees. We see an FCC acting like a policeman directing trucks and cars but paying no attention to the pedestrians, but at least it is forthright in its disinterest in children. And we observe a more devious FTC, talking a good game but doing even less than the FCC. Both are hollow shells as far as consumers are concerned.

Print advertising to children is totally neglected but contains perennial frauds. Obviously it will take the Congress to get the FTC to move.

There has been recent White House criticism of 'regulation'. Standards for companies unable to truly compete may be a mess but regulation of the profit seekers who gouge children is a joke.[1] Within the FTC and FCC it has not taken place; the call is for some regulation and less deferral to the private sector.

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1. Testimony by Ralph Nader before the Subcommittee on the Consumer, Senate Commerce Committee, June 23, 1975.

PART III

REASONS BEHIND PRIVATE SECTOR AND GOVERNMENTAL INACTION

Having described the labyrinthian processes through which reform is avoided, we now look at root causes. Some of the problems occuring when adults sell to children are inherent in the private enterprise system.

PRIVATE SECTOR OBSTACLES

The impediments to private reform of these problems are complex.

A. The very process of the private enterprise system with its reward mechanism gives highest marks to those who sell best, most often, and at the highest mark-up to anyone who can influence a purchase, including children. High mark-up items, particularly those with low ingredient cost, beget high advertising budgets. Any private codes which impede those mark-ups, ad budgets, and profits run counter to the whole thrust of the economic system. The expenditure of over $200,000,000 by TV sponsors each year advocating the purchase of products whose unit price is under $5.00 but whose quality is marginal invites competitive distortion in statements reflecting real value and merit. Hence industry's support of codes must be half-hearted. Therefore, we must expect closed door management of codes and more rhetoric than substance in their execution.

B. Private codes with real teeth in them may restrict trade, and hence run afoul of anti-trust policies of both the Department of Justice and the Federal Trade Commission.[1] While Justice does point out that openly administered codes are probably more legitimate, their interest in the matter gives an NAB a devious excuse that their exclusively industry-administered code cannot have more teeth.

C. The fraternity of business castigates and deprecates any member who puts others in a bad light when they initiate reform. The refusal of sponsors and ad agencies to testify before this Subcommittee is witness to their collusive banding together when threatened.

D. Many of the problems with present day television to children stem from the en masse nature of advertising; it is not the single drug ad or the isolated cup cake commercial that corrupts a child's perspective. It is 30 advertisements for sweets per day or 10 advertisements for pill popping. Since no single sponsoring company can be expected to initiate reforms by pulling back its competitive selling efforts, and since no advertising agency can be expected to ask for a smaller budget, and no network can be expected to send business to another network, there is no force short of public outcry and resulting governmental action to stem the tide of en masse advertising. It is counter to every motivation in the private enterprise system to be moderate in advertising products of dubious worth to children.

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1. White Paper on Alternative Mechanisms for Administering a Code for Advertising to Children, submitted to the FTC by the Council on Children, Media and Merchandising, May 1974.

E. Incomplete information, or slanted exaggeration in a sales message acceptable to an adult, makes any commercial transaction dishonest when viewed from the perspective of the unsophisticated child.

F. Television, because it is glamorous, lends its glamor to anything appearing on it.

G. Children do not comprehend the role of advertising in a private enterprise society, and have few competing sources of information from which to gain a balanced view of an item's worth. "Protective codes" may suggest trust, but if the child does not know when the code is operative and not operative, he/she cannot know when to believe. (To our knowledge the time of day when certain code's provisions apply are not made public by a station.)

H. Some products, hazardous in their nature, may represent an attractive nuisance when advertised to children unable to comprehend their proper uses, limitations and warnings.

I. Sweetness appeals to youth (particularly black youth). Knowing this, food companies inevitably compete to make their products sweeter, hence usually more cariogenic. The poor are affected more adversely, for dental care for them is not a cosmetic choice, but a high cost repair process.

J. Products may seem to be adult oriented and thus are not scrutinized in their message to youth by parents and advisors; yet the message may carry import far beyond the actual words. An example is the pill popping habits of the USA, seemingly endorsed by

TV, the nutritional imbalance of television's menu, or the materialism advocated by a medium which sells so hard.

It is for these reasons that an NAB maintains a two inch thick book of advice to broadcasters on proper broadcast techniques, yet their code for children ignores 90% of the TV seen by those under 12.

It is for these reasons that broadcasters pass the buck of responsibility for child protection to parents , yet keep secret the sophistication of their selling efforts to the child.[1] And for these reasons the networks refuse to carry educational messages to parents and children on the nature and techniques of television advertising.[2]

It is for these reasons that we hear terms such as "consumer socialization" invented by the advertising world to justify their excesses. They truly believe advertising is a necessary part of a child's upbringing. Consumers, on the other hand, perceive heavy advertising to children, many of whom cannot read, as "customer indoctrination". The cereal companies have learned that two year olds can identify cereal boxes with premiums inside.

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1. See testimony "The Selling of the Child", R.B. Choate, Senate Commerce Committee Subcommittee on the Consumer, February 27, 1973.

2. Formal complaint to the FCC by the Council on Children, Media and Merchandising against CBS and ABC charging them with failure to meet their public interest and fairness doctrine obligations with respect to advertising aimed at children, July 24, 1974.

Beyond these defects there is a curious blindness among the business community about our children's waning trust in the private enterprise system. We parents know many children now distrust our economic system. We wonder why they do not count our blessings. But these same businessmen, called to account for the deceits in children's ads, reply that a child's own skepticism should protect him or her from advertising exaggeration. They even finance research to show the skepticism exists.

I contend that this disillusionment has its root in television advertising. The partially effective NAB code is operative primarily for those under 5 or 6. The older children watch more television which is outside any children's code. Is it not possible that children looking at commercials not "cleaned up" for their consumption quickly perceive the fraud that is part of the adult commercial scene. Do they not learn that adults lie, and exaggerate, and do not tell all the facts; do they not learn the trickiness of the slogans -- particularly if they go out and make purchases, or invite their parents to, and find the end product less than that touted to them over the tube? I firmly believe that one of the root causes of our children's distrust of the private enterprise system stems from the fraud shown to them over television. And since a moderate TV watching child sees over 22,000 commercials each year, the 9 year veteran of 200,000 commercials becomes a firm skeptic of our business way of life.

In short, I contend that the fraudulence of television advertising and of those who profess to operate meaningful codes is responsible in large part for the alienation of our youth from the merits of the private enterprise system. But until advertising executives comprehend this, they will blame other forces for the alienation of our youth.

A last observation on the private sector, a superficial justification used by industry for no regulation by government comes with citation of the First Amendment. Chairman Wiley has bought this argument and repeated it frequently to the Congress. The claim is invalid. Advertisements are not granted the same protections of the First Amendment as is editorial speech.[1]

PROBLEMS WITHIN THE PUBLIC AGENCIES

Congress has put jurisdiction over broadcasting solely within the Federal establishment - at the FCC. Hence consumer appeals can only be at the Washington level if local broadcasters choose not to reform. A Washington effort by consumers requires professionalism and persistence par excellance, and we are not succeeding. We are foiled by the shared responsibility between at least two agencies, perhaps three with the FDA. We need consolidation; but where? Let us examine each of the three - FCC, FTC, FDA.

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1. See testimony of Robert B. Choate before the Subcommittee on Communications, Senate Commerce Committee, April 22, 1975.

FEDERAL COMMUNICATIONS COMMISSION ROLE

Chairman Wiley describes his agency as without sociological expertise. Having no child experts within the Commissioners (a defect apparently not recognized by the Congress), he apparently feels no need to have special insights into children. He has created no child development slots on his staff; he has asked for none in his budget; he has no child office to which petitioners can turn.[1] Thus 44 million citizens are ignored.

Other habits of the FCC bother us. 95% of Chairman Wiley's public travel budget last year was to broadcaster-oriented meetings;[2] less than 5% was to consumer/viewer groups who have an equal interest in broadcast patterns. Recently Chairman Wiley announced a new form for broadcasters to report their commercial patterns to children. He exempted any reporting on re-runs in the afternoon. He seems to be saying that children are not a major part of the audience for "Hogan's Heroes", "Gilligan's Island", "Bewitched", "Lucy" and the like. Or is he favoring the independents who run so many network castoffs?[3]

After four years of FCC inaction, the Commission last November issued a Children's Television Report and Policy Statement. I will leave it to Mrs. Charren of ACT to describe the disappointment felt by the consumer community as a $40 million agency ducked an issue and deferred to the National Association of Broadcasters all responsibility for protecting children. We feel that organization is a sham; we feel the FCC has no such power to delegate.

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1. Testimony of Richard Wiley before the House Subcommittee on Appropriations, May 7, 1975.

2. Ibid., pp.441-444.

3. See Council on Children, Media and Merchandising petition to FCC, April 10, 1975.

The FCC Chairman acknowledges a shared responsibility with the FTC on broadcast advertising. We urge consolidation but at a recent NAB meeting on children's television programming, Wiley's assistant, Larry Seacrest, indicated the FCC liked the shared arrangement and did not back the FTC idea of consolidating responsibilities.

Perhaps our problem is in the mandate of the Commission. A reading of its enabling statute reveals it may not be a consumer protection agency. Hence consumers should not apply there. If this is so, we ask the Congress to tell us who is in charge of television matters of importance to 44 million children. If not the FCC, who?

As it is now constituted, we believe the FCC is incapable of knowledgeable, prudent child decisions. We believe it is far more interested in the orderly flow of broadcaster profits than in child issues.

THE STATES' ROLE

The power to regulate misleading advertising has not been solely reserved to the Federal establishment. States have consumer protection agencies and departments and can prosecute at the local level. But few states have adequate budgets for the consumer agencies; not many of those agencies want to pit their lawyers and meager budgets against those of General Mills or Bristol-Myers. In fact, the question as to state powers over locally broadcast advertisements has never really been clarified. I suggest Massachusetts can require special warnings on the air when hazardous products are advertised in front of Massachusetts children. Tort law might be cited to call the advertising of dangerous products in front of children an attractive nuisance. But the Congress should clarify this if it expects the states to act in place of the FCC or FTC. Attorney General Bellotti may have some insights when he testifies.

FEDERAL TRADE COMMISSION ROLE

Chairman Engman and his FTC Commissioners have taken another tack on children. They talk about them a lot, but nothing ever happens. It is four years since we pointed out to the FTC drug advertising to children.[1] Ninety days ago I petitioned the FTC to move immediately on hazardous product advertising to children. Tom Rosch's answer of June 20, 1975 indicates no forward movement.[2] The Consumer Product Safety Commission has shown its concern, but also its ineffectiveness.[3]

(The FTC has had food and nutrition advertising, which includes child provisions, under consideration ever since that 1969 White House Conference on Nutrition and Health. It has managed to alienate the food industry, the nutrition profession and the consumer agencies with the publication of three indecipherable documents within the last year. The prospective nutrition rule now seems in limbo - after three years of "study".)

(The FTC's recent premium utterances are another example of its starting to show a concern, and then backing down because an offended industry aroused a few Congressmen with premium houses in their Districts.)

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1. Testimony of Robert B. Choate before the Federal Trade Commission, November 10, 1971.

2. Letter from Thomas Rosch to Robert B. Choate, June 20, 1975.

3. Letters from the Consumer Product Safety Commission to Robert B. Choate, February - May 1975.

The FTC now has a marvellous opportunity to move on hazardous product advertising. It can make major changes in drug ads. We wonder if it will give special attention to those advertised to children. (The FDA has underway an entire review of all over-the-counter drugs. The monographs from their expert panels can guide the FTC as it sets standards for accuracy in drug advertisements.) But we see no FTC interest in children and hazardous products such as drugs.

It would seem so reasonable if the FTC would rule that:

> An advertisement portraying an over-the-counter drug shall not suggest, state, imply or portray that the drug is effective, or more effective, for relief of any ailment, complaint or symptom, beyond that which is mentioned on the label of the product as conditioned by the FDA panel monograph, AND
>
> ....an advertisement for an over-the-counter drug shall be deemed unfair unless it fully reflects the content and extent of the recommended warnings and contradictions including, but not limited to, those pertaining to children and child ingestion.
>
> Furthermore, any claim for an OTC drug in an advertisement shall be deemed unfair unless the documentation of that claim by expert research is in the public domain.

FTCers tell me that they are still constrained to the point where they cannot order a warning on an OTC drug unless not to have it is deceptive or unfair. Is it not unfair to poison a child? It is as though the people at the top of the FTC (and FCC for that matter) believe the best government is the least government and hence occupy their $38,000 seats to ensure that our regulatory agencies do not regulate, even in behalf of 44 million voiceless, and voteless, citizens.

(A totally different reason for FTC ineptitude is the angry family squabble going on among the five Commissioners. Vote bartering is apparently a way of life. This merits a Congressional investigation on its own.)

FOOD AND DRUG ADMINISTRATION ROLE

The Food and Drug Administration must be a party to these observations. The FDA has seventeen panels reviewing all the over-the-counter drug labels for accuracy. Their review panels are recommending what should be said on the label regarding adult and child use. Surely the FDA can advise the FCC or FTC how strong a ban or warning to put on a drug advertisement aired before millions of children. Since there are territorial jealousies, perhaps Congress can advise the FDA to help the FTC and FCC on drug matters.

On food matters, again, perhaps the Congress can stop the buckpassing. For years consumers have been perturbed at the emphasis on sugar and sweetness in television food advertising. The percentage of sugar in most heavily promoted foods is kept secret by the food companies; a researcher in Houston recently documented the sugar content in dry cereals (the most touted-to-children food product) and reported sugar contents as high as 68% for some products. Industry did not challenge his figures.[1/]

The FTC in 1973 would not permit us to include sugar in our Children's Television Advertising Project deliberations because a rule was "under consideration". Receiving a 1974 petition to make up its mind, the FTC panicked and sent the matter to FDA for expert opinion. The FDA panicked and asked the National Academy of Science to make recommendations. It called a meeting - a NAS forum. The discussion there was learned. There was no equivocation on the role of sugar and cavities. Even Dr. Fred Stare

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1. Journal of Dentistry for Children, September/October 1974.

agreed the amount of sugar in a product should become public knowledge.[1] Whether the FDA will urge this on the FTC, or on the food companies' labels, is dubious, for the FDA is reluctant to ask for data they cannot substantiate themselves, and sugar content is elusive. Hence, the public may well remain unaware of the role of sugar in children's foods.

CONCLUSION

We do not mean to give exclusive attention to hazardous product advertising to large child audiences but attention to the matter can focus the Congress' attention on the wide range of products advertised before the largest child television audiences. (See appendix.)

At this point we cannot state whether hazardous products should be banned from television advertising, whether such ads should be time and program constrained, or whether additional warnings should be included. We do not know whether to cope with the en masse excesses of television advertising to children with public service announcements, educational institutional ads or counter ads, or all three of them. But we do know someone in our government must take the lead, for the private sector has proven itself incapable, and today the regulatory agencies are directionless.

We also feel the Congress should legislate on the whole subject of advertising to the pre-literate child. How can it be justified even in a private enterprise society?

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[1] "Sour Responses to a Sweet Idea", by Marian Burros, The Washington Post, March 26, 1975.

By the end of these hearings, Mr. Chairman, you will have heard from consumers and industry, medical professionals and child development experts. You will have heard from the FTC and FCC of their attitudes toward regulation for children.

You will have gained evidence of the hazards in various products, and will have gathered how the real parent, or television's vicariously adopted parent, can stimulate a child to emulate that parent with unwarranted consumption of hazardous products.

You will have heard how en masse advertisements can suggest pill popping; you will have noticed the anti-nutritional bias of the food messages with the largest budgets. You will have collected information on the sophisticated messages absorbed 22,000 times per year by the typical TV watching child and may have heard evidence that disadvantaged children may see double that number.

Having learned what Uncle Television has become to 44 million children, you and your sub-committee should be able to make knowledgeable recommendations to the House as a whole.

APPENDIX 1

NIELSEN STATION INDEX

CHILDREN'S VIEWING STUDY-

Ranking Report

May 1974

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NIELSEN STATION INDEX

The person audience estimates set forth in the Children's Viewing Study-Ranking Report have been derived from the May 1974 Nielsen Station Index Reports for the ten markets involved in this study.

These audience estimates are based upon projections from Nielsen survey measurements made in the manner described in NSI reports and subject to the definitions and reminders set forth therein. Additional copies of these definitions and reminders will be furnished on request.

CHILDREN'S VIEWING STUDY - RANKING REPORT

INTRODUCTION

THIS REPORT PROVIDES A RANKING OF THE TOP TWENTY PROGRAMS, BASED ON THE STATION TOTAL VIEWING OF CHILDREN SIX TO ELEVEN IN TEN MARKETS THE ESTIMATES ARE DERIVED FROM THE MAY 1974 VIEWERS IN PROFILE REPORTS FOR THE FOLLOWING MARKETS:

AUGUSTA
DENVER
EVANSVILLE
GREENSBORO-HIGH POINT-WINSTON SALEM
NASHVILLE
NEW YORK
SAN DIEGO
SPOKANE
TYLER, TEXAS
WASHINGTON, D. C.

SOME OF THE PROGRAMS SCHEDULED ON A MONDAY THROUGH FRIDAY (OR A MONDAY THROUGH SATURDAY) BASIS ARE INCLUDED AS AN AVERAGE OF FIVE OR SIX DAYS. THE FIVE DAY AVERAGE IS DENOTED BY ONE ASTERISK AND THE SIX DAY BY ONE CROSS. OTHER PROGRAMS WHICH WERE SCHEDULED FOR FIVE DAYS DID NOT QUALIFY AS AN AVERAGE. FOR THESE, THE DAYS WHICH DID QUALIFY WERE INCLUDED AND ARE DENOTED BY TWO ASTERISKS.

FOR EACH PROGRAM, ITS RANK, NAME, STATION, AFFILIATION, DAY, TIME AND STATION TOTAL AUDIENCE (CHILDREN 6-11) ARE INCLUDED.

AUGUSTA

RANK	PROGRAM	STATION	NETWORK AFFILIATE/ INDEPENDENT	DAY	TIME	STATION TOTALS (000) CHILDREN 6-11
1	BRADY BUNCH	WJBF	ABC-NBC	SUN	7:00-7:30 PM	25
2	6 MILLION $ MAN	WJBF	ABC-NBC	FRI	8:30-9:30 PM	22
3	BUGS BUNNY: ROCK	WJBF	ABC-NBC	SAT	8:00-8:30 AM	21
4	ALL IN THE FAMILY	WRDW	CBS	SAT	8:00-8:30 PM	20
4	GILLIGAN'S ISLAND	WJBF	ABC-NBC	MON-FRI*	4:30-5:00 PM	20
4	KUNG FU	WJBF	ABC-NBC	THU	9:00-10:00 PM	20
7	JOSIE: IN THE NEWS	WRDW	CBS	SAT	11:30 AM-12:00 PM	19
7	MANNIX	WRDW	CBS	SUN	8:30-9:30 PM	19
9	SPEED BUG: IN THE NEWS	WRDW	CBS	SAT	11:00-11:30 AM	18
9	WALTONS	WRDW	CBS	THU	8:00-9:00 PM	18
11	GOOD TIMES	WRDW	CBS	FRI	8:30-9:00 PM	17
11	YOGI GANG	WJBF	ABC-NBC	SAT	8:30-9:00 AM	17
13	LUCY SHOW	WJBF	ABC-NBC	MON-FRI*	5:00-5:30 PM	16
13	MARTIANS: IN THE NEWS	WRDW	CBS		10:00-10:30 AM	16
13	M*A*S*H	WRDW	CBS	SAT	8:30-9:00 PM	16
13	PARTRIDGE FAMILY	WJBF	ABC-NBC	SUN	6:30-7:00 PM	16
13	SCOOBY DOO-MOVIE	WRDW	CBS	SAT	9:00-10:00 AM	16
18	ODD COUPLE	WJBF	ABC-NBC	FRI	9:30-10:00 PM	15
18	POOKIES	WJBF	ABC-NBC	MON	8:00-9:00 PM	15
18	TO TELL THE TRUTH	WRDW	CBS	MON**	7:00-7:30 PM	15

*STATION TOTALS BASED ON MONDAY-FRIDAY AVERAGES
**STATION TOTALS BASED ON ONLY ONE DAY RATHER THAN MONDAY-FRIDAY AVERAGES

DENVER

RANK	PROGRAM	STATION	NETWORK AFFILIATE/ INDEPENDENT	DAY	TIME	STATION TOTALS (000) CHILDREN 6-11
1	6 MILLION $ MAN	KBTV	ABC	FRI	7:30-8:30 PM	72
2	MOUSE FACTORY	KBTV	ABC	FRI	6:30-7:00 PM	67
3	BRADY BUNCH	KBTV	ABC	FRI	:00-7:30 PM	58
4	PINK PANTHER	KOA	NBC	SAT	8:30-9:00 AM	50
4	WORLD OF DISNEY	KOA	NBC	SUN	6:30-7:30 PM	50
6	JOSIE: IN THE NEWS	KMGH	CBS	SAT	9:30-10:00 AM	46
7	SPEED BUG: IN THE NEWS	KMGH	CBS	SAT	9:00-9:30 AM	45
8	BEWITCHED	KWGN	IND	MON-FRI*	5:30-6:00 PM	42
9	EMERGENCY	KOA	NBC	SAT	6:00-7:00 PM	41
10	GOOD TIMES	KMGH	CBS	SAT	8:30-9:00 PM	38
10	I DREAM OF JEANNIE	KWGN	IND	MON-SAT+	5:00-5:30 PM	38
12	M*A*S*H	KMGH	CBS	SAT	9:00-9:30 PM	37
13	ALL IN THE FAMILY	KMGH	CBS	SAT	8:00-8:30 PM	34
13	HAPPY DAYS	KBTV	ABC	TUE	7:00-7:30 PM	34
13	ODD COUPLE	KBTV	ABC	FRI	8:30-9:00 PM	34
16	DIRTY SALLY	KMGH	CBS	SAT	9:30-10:00 PM	33
16	KUNG FU	KBTV	ABC	THU	8:00-9:00 PM	33
18	GILLIGAN'S ISLAND	KWGN	IND	MON-FRI*	4:00-4:30 PM	32
19	HERE'S LUCY	KMGH	CBS	MON	7:00-7:30 PM	31
20	SIGMUND - MONSTERS	KOA	NBC	SAT	8:00-8:30 AM	30

*STATION TOTALS BASED ON MONDAY-FRIDAY AVERAGES
+STATION TOTALS BASED ON MONDAY-SATURDAY AVERAGES

EVANSVILLE

RANK	PROGRAM	STATION	NETWORK AFFILIATE/ INDEPENDENT	DAY	TIME	STATION TOTALS (000) CHILDREN 6-11
1	BRADY BUNCH	WTVW	ABC	FRI	7:00-7:30 PM	23
2	ODD COUPLE	WTVW	ABC	FRI	8:30-9:00 PM	22
3	KUNG FU	WTVW	ABC	THU	8:00-9:00 PM	20
3	SCOOBY DOO-MOVIE	WEHT	CBS	SAT	8:00-9:00 AM	20
3	6 MILLION $ MAN	WTVW	ABC	FRI	7:30-8:30 PM	20
3	WALTONS	WEHT	CBS	THU	7:00-8:00 PM	20
7	CARTOON CARNIVAL	WEHT	CBS	MON-FRI*	3:30-4:00 PM	19
8	JOSIE: IN THE NEWS	WEHT	CBS	SAT	10:30-11:00 AM	18
8	LASSIES-RANGERS	WTVW	ABC	SAT	9:00-9:30 AM	18
8	SPEED BUG: IN THE NEWS	WEHT	CBS	SAT	10:00-10:30 AM	18
11	BEVERLY HILLBILLIES	WEHT	CBS	WED**	5:00-5:30 PM	16
11	JEANNIE: IN THE NEWS	WEHT	CBS	SAT	9:30-10:00 AM	16
11	OUR GANG	WEHT	CBS	MON-FRI*	4:30-5:00 PM	16
11	SONNY & CHER	WEHT	CBS	WED	7:00-8:00 PM	16
15	GOMER PYLE USMC	WEHT	CBS	MON-FRI*	4:00-4:30 PM	15
15	HAPPY DAYS	WTVW	ABC	SUN	6:00-6:30 PM	15
15	HERE'S LUCY	WEHT	CBS	MON	8:00-8:30 PM	15
15	MARTIANS: IN THE NEWS	WEHT	CBS	SAT	9:00-9:30 AM	15
15	SABRINA: IN THE NEWS	WEHT	CBS	SAT	7:30-8:00 AM	15
15	WED. MOVIE-WEEK	WTVW	ABC	WED	7:30-9:00 PM	15

*STATION TOTALS BASED ON MONDAY-FRIDAY AVERAGES
**STATION TOTALS BASED ON ONLY ONE DAY RATHER THAN MONDAY-FRIDAY AVERAGE

GREENSBORO-HIGH POINT-WINSTON-SALEM, N. C.

RANK	PROGRAM	STATION	NETWORK AFFILIATE/ INDEPENDENT	DAY	TIME	STATION TOTAL (000) CHILDREN 6-11
1	6 MILLION $ MAN	WGHP	ABC	FRI	8:30-9:30 PM	49
2	WALTONS	WFMY	CBS	THU	8:00-9:00 PM	47
3	BRADY BUNCH	WGHP	ABC	FRI	8:00-8:30 PM	41
4	ODD COUPLE	WGHP	ABC	FRI	9:30-10:00 PM	39
5	SONNY & CHER	WFMY	CBS	WED	8:00-9:00 PM	38
6	HEE HAW	WFMY	CBS	SAT	7:00-8:00 PM	33
7	ALL IN THE FAMILY	WFMY	CBS	SAT	8:00-8:30 PM	32
7	APPLE'S WAY	WFMY	CBS	SUN	7:30-8:30 PM	32
7	SPEEDBUG: IN THE NEWS	WFMY	CBS	SAT	11:00-11:30 AM	32
7	SUPER FRIENDS	WGHP	ABC	SAT	9:00-10:00 AM	32
7	TARZAN	WGHP	ABC	SUN	6:00-7:00 PM	32
12	HERE'S LUCY	WFMY	CBS	MON	9:00-9:30 PM	31
13	GUNSMOKE	WFMY	CBS	MON	8:00-9:00 PM	30
13	MARY T MOORE	WFMY	CBS	SAT	9:00-9:30 PM	30
13	WORLD OF DISNEY	WXII	NBC	SUN	7:30-8:30 PM	30
16	GET SMART	WXII	NBC	MON-FRI*	4:30-5:00 PM	29
16	MANNIX	WFMY	CBS	SUN	8:30-9:30 PM	29
16	SCOOBY DOO-MOVIE	WFMY	CBS	SAT	9:00-10:00 AM	29
19	JEANNIE: IN THE NEWS	WFMY	CBS	SAT	10:30-11:00 AM	28
19	OZZIE'S GIRLS	WFMY	CBS	THU	7:30-8:00 PM	28

*STATION TOTALS BASED ON MONDAY-FRIDAY AVERAGES

NASHVILLE

RANK	PROGRAM	STATION	NETWORK AFFILIATE/ INDEPENDENT	DAY	TIME	STATION TOTALS (000) CHILDREN 6-11
1	WALTONS	WLAC	CBS	THU	7:00-8:00 PM	76
2	6 MILLION $ MAN	WNGE	ABC	FRI	7:30-8:30 PM	49
3	THREE STOOGES	WNGE	ABC	SUN	8:30-9:30 AM	48
4	LEAVE IT TO BEAVER	WSM	NBC	MON-FRI*	4:00-4:30 PM	43
5	WORLD OF DISNEY	WSM	NBC	SUN	6:30-7:30 PM	40
6	BOZO SHOW	WNGE	ABC	MON-FRI*	7:00-8:00 AM	39
7	MARY TYLER MOORE	WLAC	CBS	SAT	8:00-8:30 PM	37
8	BIG SHOW	WLAC	CBS	MON-FRI*	4:00-5:30 PM	36
8	EMERGENCY	WSM	NBC	SAT	7:00-8:00 PM	36
8	LASSIES-RANGERS	WNGE	ABC	SAT	9:00-9:30 AM	36
8	LUCY SHOW	WSM	NBC	MON-FRI*	4:30-5:00 PM	36
8	MANNIX	WLAC	CBS	SUN	7:30-8:30 PM	36
13	BARNABY JONES	WLAC	CBS	SUN	8:30-9:30 PM	35
13	HEE HAW	WLAC	CBS	SAT	6:00-7:00 PM	35
15	GOMER PYLE USMC	WLAC	CBS	THU**	3:30-4:00 PM	34
15	HERE'S LUCY	WLAC	CBS	MON	8:00-8:30 PM	34
17	BOB NEWHART	WLAC	CBS	SAT	8:30-9:00 PM	33
17	HAPPY DAYS	WNGE	ABC	TUE	7:00-7:30 PM	33
17	WILD KINGDOM	WNGE	ABC	SUN	6:00-6:30 PM	33
20	CAROL BURNETT	WLAC	CBS	SAT	9:00-10:00 PM	32
20	MUNSTERS	WSM	NBC	MON-FRI*	3:30-4:00 PM	32
20	SCOOBY DOO-MOVIE	WLAC	CBS	SAT	8:00-9:00 AM	32

*STATION TOTALS BASED ON MONDAY-FRIDAY AVERAGES
**STATION TOTALS BASED ON ONLY ONE DAY RATHER THAN MONDAY-FRIDAY AVERAGE

NEW YORK

RANK	PROGRAM	STATION	NETWORK AFFILIATE/ INDEPENDENT	DAY	TIME	STATION TOTALS (000) CHILDREN 6-11
1	BRADY BUNCY	WABC	ABC	FRI	8:00-8:30 PM	741
2	6 MILLION $ MAN	WABC	ABC	FRI	8:30-9:30 PM	541
3	EMERGENCY	WNBC	NBC	SAT	8:00-9:00 PM	467
4	GOOD TIMES	WCBS	CBS	FRI	8:30-9:00 PM	419
5	MARY TYLER MOORE	WCBS	CBS	SAT	9:00-9:30 PM	403
6	WORLD OF DISNEY	WNBC	NBC	SUN	7:30-8:30 PM	382
7	HAPPY DAYS	WABC	ABC	TUE	8:00-8:30 PM	375
8	SIGMUND - MONSTERS	WNBC	NBC	SAT	10:00-10:30 AM	352
9	FIREHOUSE	WABC	ABC	THU	8:30-9:00 PM	337
10	M*A*S*H	WCBS	CBS	SAT	8:30-9:00 PM	330
11	EMERGENCY PLUS 4	WNBC	NBC	SAT	9:00-9:30 AM	329
12	BOB NEWHART	WCBS	CBS	SAT	9:30-10:00 PM	328
13	I DREAM OF JEANNIE	WPIX	IND	MON-FRI*	6:00-6:30 PM	316
14	CAROL BURNETT	WCBS	CBS	SAT	10:00-11:00 PM	310
15	SONNY & CHER	WCBS	CBS	WED	8:00-9:00 PM	308
16	CHOPPER ONE	WABC	ABC	THU	8:00-8:30 PM	295
17	WALTONS	WCBS	CBS	THU	8:00-9:00 PM	294
18	APPLE'S WAY	WCBS	CBS	SUN	7:30-8:30 PM	285
19	FLINTSTONES	WNEW	IND	THU**	5:30-6:00 PM	280
19	MUNSTERS	WPIX	IND	THU**	4:30-5:00 PM	280

*STATION TOTALS BASED ON MONDAY-FRIDAY AVERAGES
**STATION TOTALS BASED ON ONLY ONE DAY RATHER THAN MONDAY-FRIDAY AVERAGES

SAN DIEGO

RANK	PROGRAM	STATION	NETWORK AFFILIATE/ INDEPENDENT	DAY	TIME	STATION TOTALS (000) CHILDREN 6-11
1	EMERGENCY	KGTV	NBC	SAT	8:00-9:00 PM	55
1	WORLD OF DISNEY	KGTV	NBC	SUN	7:30-8:30 PM	55
3	BRADY BUNCH	KCST	ABC	FRI	8:00-8:30 PM	54
4	POPEYE	XETV	IND	MON-FRI*	3:00-3:30 PM	46
5	6 MILLION $ MAN	KCST	ABC	FRI	8:30-9:30 PM	38
6	SIGMUND-MONSTERS	KGTV	NBC	SAT	9:00-9:30 AM	37
6	SUPERMAN	XETV	IND	MON-FRI*	3:30-4:00 PM	37
8	ADAM 12	KGTV	NBC	TUE	6:00-6:30 PM	36
8	SANFORD & SON	KGTV	NBC	FRI	8:00-8:30 PM	36
8	TIMMY & LASSIE	XETV	IND	MON-FRI*	7:30-8:00 AM	36
11	WALTONS	KFMB	CBS	THU	8:00-9:00 PM	34
12	ALL IN THE FAMILY	KFMB	CBS	SAT	8:00-8:30 PM	32
13	MAGICIAN	KGTV	NBC	MON	8:00-9:00 PM	29
14	APPLE'S WAY	KFMB	CBS	SUN	7:30-8:30 PM	28
14	DENNIS THE MENACE	XETV	IND	MON-FRI*	6:00-6:30 AM	28
14	OZZIE'S GIRLS	KGTV	NBC	SAT	7:30-8:00 PM	28
17	PINK PANTHER	KGTV	NBC	SAT	9:30-10:00 AM	27
18	BOBBY GOLDSBORO	KFMB	CBS	WED	7:30-8:00 PM	26
18	GILLIGAN'S ISLAND	XETV	IND	MON-FRI*	4:30-5:00 PM	26
18	LEAVE IT TO BEAVER	XETV	IND	MON-FRI*	4:00-4:30 PM	26
18	SONNY & CHER	KFMB	CBS	WED	8:00-9:00 PM	26
18	SUPER FRIENDS	KCST	ABC	SAT	8:00-9:00 AM	26

*STATION TOTALS BASED ON MONDAY-FRIDAY AVERAGE

SPOKANE

RANK	PROGRAM	STATION	NETWORK AFFILIATE/ INDEPENDENT	DAY	TIME	STATION TOTALS (000 CHILDREN 6-11
1	WORLD OF DISNEY	KHQ	NBC	SUN	7:30-8:30 PM	37
2	6 MILLION $ MAN	KREM	ABC	FRI	8:30-9:30 PM	35
3	WALTONS	KXLY	CBS	THU	8:00-9:00 PM	29
4	MUNSTERS	KREM	ABC	SUN	9:00-9:30 AM	28
5	BRADY BUNCH	KREM	ABC	FRI	8:00-8:30 PM	25
6	HAPPY DAYS	KREM	ABC	TUE	8:00-8:30 PM	24
6	LASSIES-RANGERS	KREM	ABC	SAT	9:00-9:30 AM	24
6	UNDERDOG	KREM	ABC	SUN	8:30-9:00 AM	24
9	EMERGENCY	KHQ	NBC	SAT	8:00-9:00 PM	22
9	WILD KINGDOM	KHQ	NBC	SUN	7:00-7:30 PM	22
11	SONNY & CHER	KXLY	CBS	WED	8:00-9:00 PM	21
11	SUPER FRIENDS	KREM	ABC	SAT	8:00-9:00 AM	21
13	COWBOYS	KREM	ABC	WED	8:00-8:30 PM	19
13	KID POWER	KREM	ABC	SUN	10:00-10:30 AM	19
13	ODD COUPLE	KREM	ABC	FRI	9:30-10:00 PM	19
13	PARTRIDGE FAMILY	KREM	ABC	SAT	8:00-8:30 PM	19
17	CHOPPER ONE	KREM	ABC	THU	8:00-8:30 PM	17
17	DIRTY SALLY	KXLY	CBS	FRI	8:00-8:30 PM	17
17	FLINTSTONES	KREM	ABC	MON-FRI*	3:30-4:00 PM	17
20	ALL IN THE FAMILY	KXLY	CBS	SAT	7:30-8:00 PM	16
20	APPLE'S WAY	KXLY	CBS	SUN	7:30-8:00 PM	16
20	CREATURE FEATURE	KHQ	NBC	SAT	2:30-4:00 PM	16
20	GOOBER & GHOST: ROCK	KREM	ABC	SAT	9:30-10:00 AM	16
20	M*A*S*H	KXLY	CBS	WED	7:30-8:00 PM	16
20	VISION ON	KREM	ABC	SUN	9:30-10:00 AM	16

*STATION TOTALS BASED ON MONDAY-FRIDAY AVERAGES

RANK	PROGRAM	STATION	NETWORK AFFILIATE/ INDEPENDENT	DAY	TIME	STATION TOTALS (000) CHILDREN 6-11
1	SANFORD & SON	KLTV	ABC-NBC	FRI	7:00-7:30 PM	18
2	YOGI GANG	KLTV	ABC-NBC	SAT	7:00-8:00 AM	13
3	ODD COUPLE	KLTV	ABC-NBC	FRI	8:30-9:30 PM	12
3	6 MILLION $ MAN	KLTV	ABC-NBC	FRI	7:30-8:30 PM	12
3	SUPER FRIENDS	KLTV	ABC-NBC	SAT	8:00-9:00 AM	12
6	TRUTH OR CONSEQUENCES	KLTV	ABC-NBC	WED**	6:30-7:00 PM	10
6	WED MOVIE - WEEK	KLTV	ABC-NBC	WED	7:30-9:00 PM	10
8	BUGS BUNNY: ROCK	KLTV	ABC-NBC	SAT	7:00-7:30 AM	9
8	COWBOYS	KLTV	ABC-NBC	WED	7:00-7:30 PM	9
8	GOOBER & GHOST: ROCK	KLTV	ABC-NBC	SAT	9:30-10:00 AM	9
8	KUNG FU	KLTV	ABC-NBC	THU	8:00-9:00 PM	9
8	LASSIE-RANGERS	KLTV	ABC-NBC	SAT	9:00-9:30 AM	9
8	MON. NIGHT MOVIE	KLTV	ABC-NBC	MON	8:00-10:00 PM	9
8	TRUTH OR CONSEQUENCES	KLTV	ABC-NBC	THU**	6:30-7:00 PM	9
15	BRADY KIDS	KLTV	ABC-NBC	SAT	10:00-10:30 AM	7
15	MARCUS WELBY M.D.	KLTV	ABC-NBC	TUE	9:00-10:00 PM	7
15	STREETS OF SAN FRANCISCO	KLTV	ABC-NBC	THU	9:00-10:00 PM	7
18	FLIP WILSON	KLTV	ABC-NBC	THU	7:00-8:00 PM	6
18	STAR TREK	KLTV	ABC-NBC	FRI**	4:30-5:30 PM	6
20	OWEN MARSHALL	KLTV	ABC-NBC	SAT	9:00-10:00 PM	5
20	PARTRIDGE FAMILY	KLTV	ABC-NBC	SAT	7:00-7:30 PM	5
20	ROOKIES	KLTV	ABC-NBC	MON	7:00-8:00 PM	5
20	STAR TREK	KLTV	ABC-NBC	THU**	4:30-5:30 PM	5

**STATION TOTALS BASED ON ONLY ONE DAY RATHER THAN MONDAY-FRIDAY AVERAGE

WASHINGTON, D. C.

RANK	PROGRAM	STATION	NETWORK AFFILIATE/ INDEPENDENT	DAY	TIME	STATION TOTALS (000) CHILDREN 6-11
1	WALTONS	WTOP	CBS	THU	8:00-9:00 PM	170
2	6 MILLION $ MAN	WMAL	ABC	FRI	8:30-9:30 PM	160
3	BRADY BUNCH	WMAL	ABC	FRI	8:00-8:30 PM	146
4	WONDERAMA	WTTG	IND	SUN	8:00-11:00 AM	112
5	WORLD OF DISNEY	WRC	NBC	SUN	7:30-8:30 PM	106
6	ODD COUPLE	WMAL	ABC	FRI	9:30-10:00 PM	105
7	SONNY & CHER	WTOP	CBS	WED	8:00-9:00 PM	97
8	MARY TYLER MOORE	WTOP	CBS	SAT	9:00-9:30 PM	96
9	APPLE'S WAY	WTOP	CBS	SUN	7:30-8:30 PM	95
10	WILD KINGDOM	WRC	NBC	SUN	7:00-7:30 PM	94
11	GOOD TIMES	WTOP	CBS	FRI	8:30-9:00 PM	93
12	EMERGENCY	WRC	NBC	SAT	8:00-9:00 PM	83
13	BOB NEWHART	WTOP	CBS	SAT	9:30-10:00 PM	80
13	HAPPY DAYS	WMAL	ABC	TUE	8:00-8:30 PM	80
15	SUPER FRIENDS	WMAL	ABC	SAT	9:00-10:00 AM	76
16	GILLIGAN'S ISLAND	WDCA	IND	THU**	5:30-6:00 PM	73
17	BATMAN	WDCA	IND	THU**	5:00-5:30 PM	72
17	M*A*S*H	WTOP	CBS	SAT	8:30-9:00 PM	72
19	ROOKIES	WMAL	ABC	MON	8:00-9:00 PM	70
20	ALL IN THE FAMILY	WTOP	CBS	SAT	8:00-8:30 PM	68

**STATION TOTALS BASED ON ONLY ONE DAY RATHER THAN MONDAY-FRIDAY AVERAGE

APPENDIX 1

WPIX INC.
11 WPIX PLAZA
NEW YORK CITY 10017
(212) 863-6020

RICHARD N. HUGHES
SENIOR VICE PRESIDENT

Dear Mr. Choate

In answer to your recent letter, the May, 1974 Nielsen report for New York indicates that 41% of the audience for I DREAM OF JEANNIE, Monday-Friday, was made up of children under tweleve years of age.

The Thursday showing of THE MUNSTERS had 64% of its audience in that group, although the other days of the week were somewhat lower.

The Flinstones is not carried on WPIX.

If there is any other information you would like, please feel free to call me.

Cordially,

Mr. Robert B. Choate
Council on Children, Media
& Merchandising

February 27, 1975

APPENDIX 1

2

KWGN
TELEVISION

550 LINCOLN STREET
DENVER, COLORADO 80203
TELEPHONE 303 222-5525

A SUBSIDIARY OF
WGN CONTINENTAL
BROADCASTING COMPANY

February 20, 1975

Robert B. Choate
Council on Children, Media and Merchandising
1346 Connecticut Ave.
Washington, D. C. 20036

Dear Mr. Choate:

Listed below are the figures you requested regarding several of our shows. The percentages cited are those of children in the total audience of the Total Survey Area. These figures are taken from the May, 1974 reports.

	ARB	NSI
Bewitched (M-F)	30%	39%
I Dream of Jeannie(M-S)	33%	43%
Gilligan's Island (M-F)	46%	58%

If we can be of further assistance, please let us know.

Cordially,

Linda S. Lange

Linda S. Lange
Promotion Assistant

APPENDIX 2

TOP 40 CHILDREN'S TELEVISION PROGRAMS BY AUDIENCE SIZE
AIRED [illegible] -- 9/20/74 - 10/13/74

Program	Time	Total Children
Emergency	8:00 PM	8,700,000
Wonderful World of Disney	7:[illegible]0 PM	8,290,000
Planet of the Apes	8:00 PM	8,000,000
The Waltons	8:00 PM	7,320,000
Happy Days	[illegible]:00 PM	7,010,000
Apple's Way	7:30 PM	6,880,000
The Rookies	8:00 PM	6,730,000
*Land of the Lost	10:00 AM +	6,670,000
Little House on Prairie	8:00 PM	6,370,000
*New Adventures of Gilligan	9:30 AM +	6,370,000
*Jeannie	9:00 AM +	6,310,000
Good Times	8:00 PM	6,220,000
M*A*S*H	8:30 PM	5,990,000
All in the Family	8:00 PM	5,650,000
*Run, Joe, Run	9:30 AM +	5,630,000
*Shazam	10:30 AM +	5,550,000
*Hong Kong Phooey	9:00 AM +	5,510,000
*Partridge Family-2200 A.D.	9:30 AM	5,410,000
Sanford & Son	[illegible]:00 PM	5,380,000
*Devlin	10:00 AM +	5,150,000
Born Free	[illegible]:00 PM	5,120,000
Paper Moon	[illegible]:30 PM	5,110,000
*Sigmund-Sea Monster	10:30 AM	5,050,000
Chico & The Man	8:30 PM	4,890,000
*Valley of the Dinosaurs	10:00 AM	4,800,000
*Harlem Globetrotters	11:00 AM +	4,770,000
*Pink Panther Show	11:00 AM	4,660,000
Kojak	8:30 PM	4,610,000
*Scooby Doo-Where Are You	8:30 AM +	4,570,000
Paul Sand-Friends-Lovers	8:30 PM	4,520,000
Six Million Dollar Man	8:30 PM	4,520,000
*Fat Albert & Cosby Kids	12:30 PM	4,480,000
Wed. Movie of the Week	8:30 PM	4,350,000
*Razzle Dazzle Comedy Show	11:30 AM +	4,290,000
That's My Mama	[illegible]:00 PM	4,230,000
*Emergency +4	[illegible]:00 AM +	4,220,000
Sons & Daughters	[illegible]:00 AM	4,210,000
*Wheelie-Chopper Bunch	[illegible]:30 AM +	4,200,000
Gunsmoke	[illegible]:00 PM	4,040,000
*Korg 7,000 B.C.	10:30 AM +	4,000,000

* Saturday/Sunday AM
+ Audience over 50% children

Source: A.C. Nielsen Company

APPENDIX 3

TABLE I

CATEGORIES OF SUBSTANCES MOST FREQUENTLY INGESTED BY CHILDREN UNDER 5 YEARS OF AGE REPORTED BY POISON CONTROL CENTERS 1971 - 1973

TYPE OF SUBSTANCE	1973 No.	1973 %	1972 No.	1972 %	1971 No.	1971 %
1. Aspirin	6576	6.5	8146	7.8	8529	10.1
Baby	4275	4.2	5305	5.1	5773	6.8
Adult	1098	1.1	1322	1.3	1165	1.4
Unspecified	1203	1.2	1519	1.4	1591	1.9
2. Soaps, Detergents, Cleaners	5513	5.4	5940	5.7	4359	5.2
3. Plants (excl. mushrooms & toadstools)	5394	5.3	4759	4.5	4059	4.8
4. Vitamins, Minerals	5146	5.1	5320	5.1	4053	4.8
5. Antihistamines, Cold Medicines	4770	4.7	4355	4.1	3246	3.8
6. Perfume, Cologne, Toilet Water	3062	3.0	3108	3.0	2281	2.7
7. Household Disinfectants, Deodorizers	3059	3.0	3301	3.1	2670	3.2
8. Miscellaneous Internal Medicines	3040	3.0	3186	3.0	2607	3.1
9. Psychopharmacologic Agents	3010	3.0	2998	2.9	2486	3.0
10. Household Bleach	2636	2.6	2794	2.7	2142	2.5
11. Chemicals	2286	2.3	2382	2.3	1593	1.9
12. Miscellaneous Analgesics	2218	2.2	2220	2.1	1856	2.2
13. Insecticides (excluding Mothballs)	2136	2.1	2306	2.2	1886	2.2
14. Hormones	2050	2.0	1970	1.9	1692	2.0
15. Liquid Polish or Wax	1996	2.0	1872	1.8	1342	1.6
16. Liniments	1982	2.0	2133	2.0	1415	1.7
17. Glues, Adhesives	1827	1.8	1866	1.8	1475	1.7
18. Cosmetic Lotions, Creams	1801	1.8	1783	1.7	1300	1.5
19. Miscellaneous Products	1800	1.8	1941	1.9	1398	1.7
20. Medicine Combinations	1741	1.7	1865	1.8	1654	2.0
21. Acids, Alkalies	1662	1.6	1815	1.7	1406	1.7
22. Miscellaneous External Medicines	1596	1.6	1587	1.5	1203	1.4
23. Fingernail Preparations	1517	1.5	119[illegible]	1.1	806	1.0
24. Rodenticides	1483	1.5	1508	1.4	1274	1.5
25. Antiseptic Medication	1417	1.4	1346	1.3	1142	1.4

Source: Individual case reports submitted to the National Clearinghouse for Poison Control Centers, 1973: 117,589 reports from 517 Centers in 45 States /1; 1972: 105,018 reports from 548 Centers in 47 States /1; 1971: 84,370 reports from 505 Centers in 47 States /1.

/1 Includes District of Columbia, Canal Zone, Virgin Islands, and military bases abroad.

APPENDIX 4

EXHIBIT A

CHILD WARNINGS ON PRODUCTS ADVERTISED ON PROGRAMS WITH OVER FIVE MILLION VIEWERS UNDER TWELVE:

GERITOL TABLETS: "Warning: Keep this and all medicines out of the reach of children."

ANACIN: "Warning: Keep this and all medicines out of children's reach. In case of accidental overdose, contact a physician immediately." Also has a protective cap.

DRISTAN: "Keep all medicines out of the reach of children...For children under 6, consult a physician."

LYSOL SPRAY DISINFECTANT: "Caution: keep out of reach of children... Caution - flammable mixture. Do not use near fire or flame... Do not puncture...Avoid contact with food. Keep spray away from eyes..."

MENNEN E DEODORANT: "Keep out of children's reach... Caution: Use only as directed. Intentional misuse by deliberately inhaling aerosol contents can be harmful or fatal...Keep product away from eyes..."

ARRID EXTRA DRY: "Keep out of reach of children...Never spray toward face or open flame..."

ALKA-SELTZER: "Children: 1/2 the adult dose. Caution: For children under 3, consult your physician."

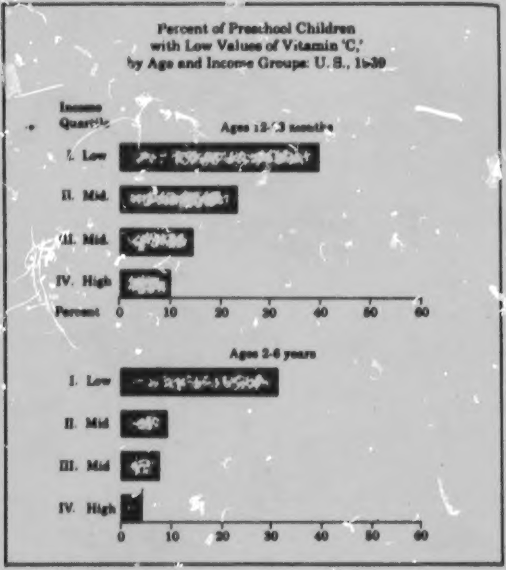
BAYER ASPIRIN: "Warning: Keep this and *all* medicines out of children's reach. In case of accidental overdose, contact a physician immediately...Important directions inside, including children's dosage. Caution: for children under 3 years of age, consult your physician." Also has "Child Guard" cap.

GILLETTE SOFT AND DRY: "Keep out of reach of children...Never spray toward face or open flame...Intentional misuse by deliberately concentrating and inhaling the contants can be harmful or fatal..."

FOOT GUARD FOOT SPRAY: "Keep out of reach of children."

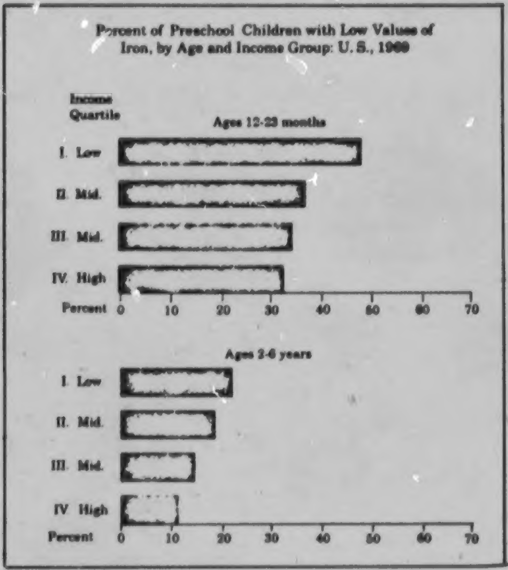
Preschool children in low income families have generally poorer diets than children in higher income families.

APPENDIX 5



Percent of Preschool Children with Low Values of Vitamin 'C,' by Age and Income Groups: U. S., 1969

Chart 114 – Table 50



Percent of Preschool Children with Low Values of Iron, by Age and Income Group: U. S., 1969

Chart 115 – Table 50

APPENDIX B

Poor children have greater unmet dental needs than children in more affluent families.

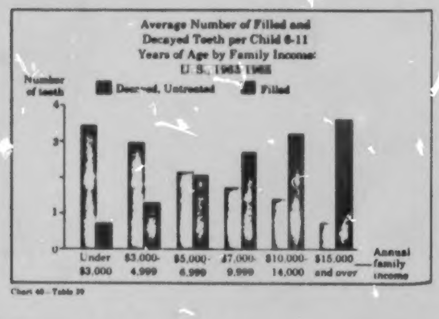


Chart 40 – Table 39

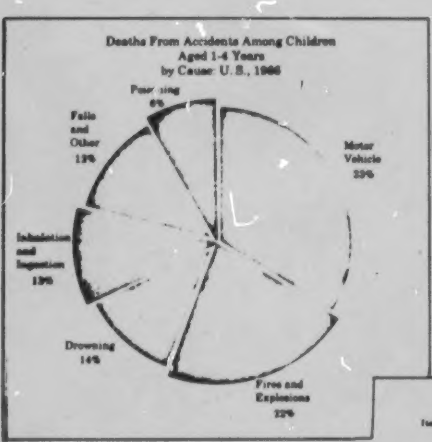


Chart 111 – Table [illegible]

Table 148.
Percent of Households with Television Sets: United States, 1955 to 1969
(Chart 64)

Item	June 1955[1]	May 1960	August 1965	June 1967			January 1969[p]		
				All house-holds	Households with Television		All house-holds	Households with Television	
					UHF set[2]	Color set		UHF set[2]	Color set
All households	100	100	100	100	62	19	100	55	32
Percent with TV	67	88	92	94	100	100	95	100	100
By area									
Inside SMSA's	78	91	94	95	65	31	96	59	34
Outside SMSA's	50	82	90	92	37	17	94	47	28
By region									
Northeast	80	92	94	96	61	18	96	55	29
North Central	72	89	94	95	67	21	96	58	34
South	53	80	90	93	38	16	94	51	29
West	62	87	92	93	63	34	96	57	40
By numbers of sets									
No set	33	12	8	6	(X)	(X)	5	(X)	(X)
1 set	65	77	73	69	36	13	66	47	32
2 sets or more	2	11	20	25	61	37	29	73	64

X Not applicable.
[1] Excludes Alaska and Hawaii.
[2] Sets equipped for ultra high frequency reception.
[p] No survey conducted in 1968.
U.S. Department of Commerce, Bureau of the Census

"The Selling of the Child"

Statement of

ROBERT B. CHOATE

Chairman

COUNCIL ON CHILDREN, MEDIA AND MERCHANDISING

Before the

Consumer Subcommittee

of the

Committee on Commerce

UNITED STATES SENATE

February 27, 1973
New York City

"...to rephrase questions, and to get respondents to change their answers when these are negative are both violations of sacred research canons. The plain fact is that when children are respondents these rules must be broken if the researcher is to get all the information." W.D. Wells

1346 Connecticut Avenue, N.W.
Washington, D.C. 20036

Mr. Chairman:

I appear before this Subcommittee to underscore the need for S. 805, a bill to establish the National Institute of Marketing and Health within the National Science Foundation. I understand that it would contract with outside research entities to develop a truer understanding of how advertising and marketing techniques affect the consumer.

My focus is the child in the marketplace today. As we will demonstrate, the child is considered fair game by the country's major advertisers.

In the last ten years the United States has witnessed a vast expansion in industry's selling to and through children. Parents repeatedly comment to us on the nagging, persistent sales effort which comes to them from television via the child. In the past we have testified on specific excesses and characteristics of this effort.[1/] Sponsors, advertising agencies and networks have responded with the pontifical advice that if parents don't like what United States merchandising techniques are doing to their children, they should turn off the tube.[2/] In the past two years, the Federal Trade Commission and the Federal Communication Commission have held a total of ten days of hearings

---

1. Senate Commerce Committee, Subcommittee on Consumer Affairs, July 23, 1970; March 2, 1972
Federal Trade Commission, November 10, 1971
House of Representatives - DSG Hearing, September 18, 1970
Federal Communications Commission, January 9, 1973
National Association of Broadcasters Code Authority, May 26, 1971.

2. See Federal Communications Commission Hearings October 1972 and January 1973.

on the subject of advertising to children; they now acknowledge how little they understand how children perceive the marketing techniques aimed at them.[1]

Noting network executive abdication of commercial responsibility to the parent, we have made a study of the fairness with which the commercial world approaches the under twelve child. On one hand we see a sponsor with perhaps $50,000 to spend on scriptwriters, musicians, jingle writers, cameramen, electronic sound effects, cartoonists, canned laughter, and motivational research houses to persuade a child. On the other hand we have the normal intelligence of the eight year old boy, be he from a Chicago slum, an Atlanta apartment house or a Missouri farm.

In the past we have called for moderation in selling to the child. While some sponsors have altered their products[2] or their messages,[3] the hard sell of U. S. business today may well be expending over $400 million per year to persuade children to buy, or persuade their parents to buy. Over thirty million children under twelve apparently respond, for the effort gets bigger every year.

---

1. See letter of FTC Chairman Miles Kirkpatrick (ret.) of January 10, 1973 and letter of FCC Chairman Dean Burch to Bruner Foundation dated February 14, 1973.. (See Appendix)

2. Of 40 dry breakfast cereals criticized by the writer in July 1970, 36 now have been reformulated.

3. The new NAB Toy Code somewhat improves toy messages on television. An NAB announcement of February 22, 1973 suggests that over-the-counter drug advertisements will come under a new code on the two-thirds of the nation's television stations subscribe to the NAB Code. A Code for Edible Products was apparently rejected by the NAB.

The following companies lead the commercial effort to persuade children to buy: (not in order of budgets)

- General Foods
- General Mills
- Kellogg
- Quaker Oats
- McDonald
- Nabisco
- Mattel
- Ideal Toy
- Hasbro
- Milton Bradley
- Kenner
- Pillsbury
- Wrigley
- Campbell Soup
- Coca Cola
- Pepsi
- Proctor and Gamble
- American Home Products

Gulf, Arco and Texaco push hard to make children salesmen in the home. The hard-nagged mother knows television advertising works. She will be interested why it works so well. A moderate television watching child today sees over 25,000 commercials per year. He sits before the tube more hours each young year than he sits before his elementary school teacher. 220 minutes of pure commercials per week try to shape his behavior. But this alone does not explain why the advertisements are so persuasive.

We have spent a year checking with those who have done professional research on how children regard an advertisement. While television programs are the subject of constant study, television commercials and the child have, in the main, been ignored. Perhaps three quasi-business studies now or recently underway cast a little light.[1] We are now convinced that the impact of an advertisement on a child is really known only by those who research it in secret for business.

Constant comment by Federal Communications Commission members indicate they do not know how a child perceives an ad, nor who has studied the subject.

---

[1] Studies by Professor Scott Ward, Harvard Business School, Dr. Aletha Stein at Pennsylvania State University, and Dr. Charles Atkin of Michigan State University's School of Communications.

Chairman Dean Burch recently wrote:

> "It would be beneficial to this Commission, other governmental agencies, advertisers, and broadcasters if there were publicly available, a body of information about children and their perceptions of advertising. According to some reports, this information appears to be available to advertisers. By making this type of information available to everyone, the Commission and other concerned bodies could, perhaps, act more effectively.
>
> "The Commission believes that a study, or studies, concentrating on advertising and product promotion to children would be beneficial. Of special interest would be scientific studies noting the perception of messages by children according to developmental levels; the values, fears, and needs to which persuasive appeals are directed; the particular techniques of persuasion used in children's advertising messages; the impact of commercials on children; and, the pressure techniques children use to urge their parents to buy advertised products. The Commission is of the view that studies of this nature are warranted." [1]

Federal Trade Commission Chairman Miles Kirkpatrick summed it up recently:

> "It has become evident that there does not now exist the kind of general, publicly available body of information about children and their perception of advertising that the Commission and other organs of government require to perform their missions. These same resources do not seem, however, to be denied to advertisers. This imbalance tends to impair the Commission's effectiveness in this field. . ." [2]

Both these agencies have a responsibility to maintain fair conduct by industry vis a vis the child; they apparently are operating in the dark with all the aces held by the sponsors, agencies and broadcasters of this nation.[3] It is time for reform.

---

1. Letter to the Bruner Foundation, February 14, 1973
2. Letter to Robert B. Choate, January 10, 1973
3. Dr. Seymour Banks, representing at times efforts of the 4 A's, Consumer Research Institute and the Leo Burnett Advertising Agency, epitomizes industry's monopolization of behavioral research in this area. See Ad Age, September 27, 1972

Broadcasters in particular have indicated what they think of the rights of the child. In repeated testimony before the Federal government, and in public speeches before the press, network executives have indicated that they have abdicated their responsibility to protect the child and have passed the mantle of protection to the mother in the home.

In the thirties mother did play this role as she fended off aggressive door to door salesmen eager to get junio[illegible] ear. Today she is told to protect the innocent while 22 salesmen per hour beseech her child over the tube, disguised as the friendly folk of cartoon, jingle and adventure land.

What makes these advertisements so effective? Who shapes their messages? Wherefrom comes the polish of the message?

From children. I repeat: from children.

Today, in motivational research houses across the country, children are being used in laboratory situations to formulate, analyze, polish, compare, and act in advertisements designed to make other children salesmen within the home. Armed with one-way mirrors, hidden tape recorders, and inobtrusive videorecorders, professionally trained psychologists and experts in child behavior note every motion, phrase, and other indication of children's responses.

Professional adults manipulate recruited children, often without their knowledge, hopefully to perfect the type of thirty or sixty second message which will penetrate the child's natural defenses and alter his behavior so as to serve industry within the home.

Two years ago I invented a food market game. In an effort to market this game while promoting prudent consumerism, I approached a number of firms supposedly able to advise me on the problems I faced. I was particularly interested in the possible form of the advertisements. From the resulting interviews, correspondence and conversations with allied agencies and firms, and from reading recent literature on United States practices in merchandising to children, we have drawn the following picture. While motivational research should not be over-rated, and may fit into this country's private enterprise ethic, it is obvious it can no longer be ignored and left solely to industry to shape the consumer behavior of our children. To be a fair business practice, it's potential and impact must be understood as much by consumers as by advertisers. Today I will open the door on the subject; I trust you will call further witnesses over the coming months to bring this issue to public light.

To prepare this we analysed literature sent out by motivational research houses; interviewed their personnel, reviewed proposals of services to be rendered by motivational researchers. We read books by advertising executives on the subject and called sponsors and agencies. Collaborators interviewed parents and their children who had been "human guinea pigs". We viewed films. We talked to recruiters.

Industry does not want to talk about their use of these services. Firms such as General Mills brush off all inquiries. Everything is secret; everything is proprietary. Interviews of years ago are still kept locked in sponsor and agency files.

While the practice remains a secret of industry, consumers can question the fairness of the business practices; viewers can question the fairness

The development of an advertisement by an adult involves imagining how it would be regarded by any consumer, including a child. Few children are employed at advertising agencies, so children have to be "studied" to judge how they would regard a product. Child Research Service, Inc. of New York City cites the following as a typical research project:

CASE HISTORY

> "DIRECTING A HAIR LOTION AT CHILDREN
>
> Problem: One client had a hair product for women and teenagers. He was concerned about whether there was an opportunity for this product among much younger children. How young a girl could or would use this product?
>
> Method: In the CRS test dressing rooms, a variety of personal care products that children might like to use were arranged on the dressing tables. Children were asked to role-play a sleep-over visit, getting ready for a party, getting ready to go to bed, and getting ready for school in the morning. Throughout these games the girls' interest in an ability to use the client's product was observed.
>
> Outcome: On the one hand while the 6, 7, and 8 year old girls were eager to experiment with some of the hand lotions and with various types of combs and brushes, they were not eager to experiment with anything on their hair. On the other hand, the 9 through 12 year olds were highly interested in hair creams, and it was learned that they had experimented with their mothers' hair products. They were able to debate the relative values of one brand as opposed to another — indicating what factors were important to them. The client was able to use this information in several ways: in advertising, in his instructions for use, and in his pricing strategy." (emphasis added)

To those who would improve their manipulation of children through advertising, one author reports:

> "As a workable guideline between 'too little' and 'too much,' one testing service offers the following pointers:
>
> 1. For each test, use between 500 and 1,000 children, broken down into groups of 75 to 150.
> 2. Show a series of cartoons, intermixed with three or four commercials, including the one you're testing. Then screen a second series of cartoons, showing the same commercial but in a different order. Do it once again - new cartoons, same commercials, new order.
> 3. Have the children file past a display of the products that were featured in the commercials, then return to their seats and fill out a picture questionnaire asking what you want to know about the commercial and the manner and effectiveness with which it presented the product.
> 4. Select 25 percent of the group and ask them what they liked best and why; what they remember most clearly; what they'd most like to have and least like to have among the products shown, and so on. Take down the answers verbatim.
> 5. Next, conduct a depth interview with five to ten children from the subgroup, going into greater detail regarding likes and dislikes.
>
> "For pre-commercial testing, Marvin D. Convissar Associates, New York, first tests by product by giving identical samples to five to ten children in relaxed surroundings, watching them, and getting their comments and reactions. A report of the reactions is passed along to the advertising agency as a guide for creating the commerical.
>
> "After the commerical is written, Convissar tests script and story board, using as few as 25 and as many as 200 children, but always one at a time. Testers act out the commercial, often using hand puppets or flip charts. One important objective is to learn whether the commerical covers the children's idea of the truly important points, and whether anything vital has been omitted.
>
> "Finally the finished commercial is tested, again child by child. To maintain perspective, a cartoon is shown with the commercial." 1/

---

1. The Youth Market, by Melvin Helitzer and Carl Heyel, Media Books, 1970, pp. 163-64.

THE CHILD RECRUITERS

There are recruiters in every major population area. Some recruit through organizations - clubs, churches, schools. Some recruit by random sample telephone work. Their end product is a warm body at an appointed place to react to a set of conditions for pay. Sometimes the organization gets the fee. Sometimes the actual human guinea pig. For children it can run from $1.00 for an hour's work to $35 for a day's testing.

Mary F. . .and Ann D. . . (the names have been changed) of the Bronx are rather typical recruiters. Mary augments her husband's pay by recruiting for a motivational researcher here in Manhattan; Ann helps interview the candidates to see that they fit the order. (Sponsors and agencies order children just as a housewife would order a special cut of beef.) Mary and Ann work only part time and keep a master file on some 10,000 persons in the general New York area. If you want a 5'2" red haired housewife with three children who all like deodorants and envy their mother's dyed locks, Mary can find the right party. She operates by telephone.

On a recent day Mary had a group order for "special children . . . who can willingly communicate attitudes and feelings . . . not be intimidated by interacting with adults, and be consumer of pre-sweetened cereals."

Mary consulted her file cards and got on the telephone to her New York City regional recruiting aides. They fed her back names and then Mary called the families by telephone. They couldn't have been on a test panel in the year previous. (The file cards carry endless detail on the families including toothpaste preferences, cigarette habits, underwear size, automobile and pets.)

Mary's questions to the mother and to the child are indirect and seldom betray the commercial to be analysed. If the child is unresponsive, Mary signs off and moves to another name on the list. If the child seems to fit the order, Mary arranges the transportation, the fee, and sets the appointment. Typical children are sons or daughters of engineers, social workers, restaurant workers, etc.

In some cases the manager of the motivational research house will accept the suggested list, and make his or her own telephone calls to judge the child's openness and communicativeness. If satisfied, the appointment is established and the child is escorted, sometimes by parents, to the laboratory setting.

One of New York's major child analyzers, Child Research Service, Inc. uses a different recruiting technique. A bit more formal, its blue stucco laboratory is at 240 Belleview Street, Montclair, New Jersey. There is no identifying sign on the door; the front door is kept locked. When not testing children, only a handful of employees show up, but at least fifty consulting child specialists are on call.

A large dividable auditorium with acoustical ceiling has four microphones hanging above straight backed chairs. Clip boards under the chairs have paper, crayons, and sometimes smiley scales - the juvenile mental slide rule through which the inarticulate can convey their pleasure or displeasure. Movie screens and tape recorders can be seen but the real evidence of closed circuit television is in an adjoining room. The auditorium can be used in conjunction with a test kitchen, or as a test supermarket.

Mrs. Mulligan, who lives nearby, is a prime recruiter. She operates through local PTAs, parochial schools, cub scouts, and the like. In such cases, the organization, not the children, get the fee. She draws from all economic stratas in a fifteen mile radius. The parents often drive the children to the laboratory. Release slips are supposed to be signed if edible products are to be tested, but apparently the parental carpool is often taken as a sign of parental approval. A recruiter working in this fashion often passes to the head of the local PTA or Catholic church the chore of rounding up the children. (In some cases the laboratory will go to the school to run its tests.)

When questioned on these practices, J.M. Ruggieri, office director of the New Jersey Congress of Parents and Teachers said that on a state level the PTA policy was simply that children were not to be used for commercial (i.e. product endorsement) purposes. Local PTA leaders pointed out that Hospital Auxiliaries, women's clubs, the Rosarians, B'nai B'rith, and scout troops for boys and girls raised funds for their activities through lending their children to the testers of advertisements.

The fees for showing up at a central laboratory in Northern New Jersey are far below the Manhattan lab rates. Sometimes the fee is $1.00 for each child for an hour's testing after school.

We assembled several quotes from those closest to these peculiar business practices. There seemed to be a universal distrust of advertising people. "The schlock houses use organizations; that way you get kids who know each other and friends tend to agree with friends. It is cheaper to go through organizations but less effective." . . . "I think the last thing we need on the market is another pre-sweetened cereal. There are too many already." . . . "Advertising agencies and market research companies are absolutely the worst as far as lying is concerned. They ought to check out their own reputations".

While these quotes were directed at those who put up the money, we gathered that parents would line up their children by droves — just for the feeling of having participated in a commercial for pay.

In an article in the Journal of Advertising Research entitled, "Communicating With Children", William D. Wells[1] offered suggestions to motivational researchers on how to get the best information from children between the ages of five and twelve. Wells states:

> "When other family members have no special brand preferences, and when the mother regards all brands as more or less the same, the preferences expressed by children are apt to determine what the whole family gets. From the advertiser's point of view, then, there are good reasons for being interested in how children think and what they do." (p.2)
>
> "As research respondents, five year olds and 12 year olds have much less in common than do 20 year olds and 40 year olds. As TV viewers, five year olds are just beginning to be critical of what they see; by 12, sophistication has set in." (p.3)

Wells explains that useful information can usually be obtained from adults by reading statements to them and asking for their reactions. Most adults can grasp the intended meanings by putting them in a context made up of memories of past experiences.

> "This is quite a lot to ask of young children. Children have trouble extracting the essence from a verbal statement. It takes mental maturity to do this, and much school training." (p.3)
>
> "Children, especially young children, have great difficulty separating their reaction to a specific commercial from their evaluation of the product advertised. This difficulty is not likely to show up in simple, direct evaluative ratings because children are not aware of the confusion." (p.4)
>
> "Asking children why they like one product more than another or why they like something on TV is apt to produce either a

---

1. Mr. Wells was Professor of Psychology and head of the graduate program in consumer behavior at the Newark College at Rutgers University. He was also a consultant to Benton & Bowles, Inc., where he developed and implemented new research methods.

dumbfounded stare or a quick injection of common sense:

> "Why did you like that commercial better
> than the other one?"
> "Because it was funnier."
> "What was funny about it?"
> "It made me laugh."
> "Whas was in the commercial that made it funny?"
> "The way they acted." (p.5)

Questions like these are not easy to answer, even for adults, Wells says, but:

> "Often children who respond 'I don't know' actually do know, and are willing and able to answer once the question has been asked in understandable terms. This may require two or three rephrasings with illustrative examples, but it often can be done and always should be tried. Routine acceptance of initial negative responses misses much useful information.
>
> The negative answer also seems to have another, somewhat different motivation. Since it is an easy answer to give, children use it when they do not want to go to the effort of formulating a reply. When this happens, an incredulous rephrasing of the question ('You mean you never asked your mother to buy something you saw on television?') may elicit enough detailed case histories to show beyond doubt that the original negative answer has been evasive.
>
> "Did you ever ask your mother to buy anything
> you saw on television?"
> "No."
> "How about cereal?"
> "I asked her to get Grape Nuts Flakes for the
> baseball cards, and I asked her to get Lucky
> Charms. And my brother asked her to get
> Cocoa-Puffs and he wouldn't eat them."
>
> "The recommendation that interviewers be permitted and in fact trained to rephrase questions, and the recommendation that interviewers try to get respondents to change their answers when these are negative are both violations of sacred research canons. The plain fact is that when children are the respondents these rules must be broken if the researcher is to get all the information." (p.5)

In a section of the article devoted to childrens reactions to television advertising, Wells comments on what children purchase with their own money, and what they ask their parents to buy for them:

> "Children's accounts of how they spend this money suggest that much of it goes for things their parents consider either unnecessary or slightly evil. Much is spent on candy, gum, soft drinks, and other sweets, and a lot is spent on comic books and in-expensive toys. Almost none is spent on things that parents consider virtuous, like orange juice, cereal, milk or shoes.
>
> "The younger respondents -- the five, six and seven year olds -- had little difficulty remembering and describing episodes in which they asked their parents for products they saw advertised on TV. The items they mentioned most frequently were toys and breakfast cereals, but many also said they asked for soft drinks, for mixes like Bosco, for macaroni and spaghetti, for certain brands of shoes and sneakers, for peanut butter and for bread. Several children reported that they had asked for certain brands of dog food (for the dog), and one six year old told us that he had tried to get his mother to have the furniture reupholstered at Gimbels.
>
> "The older children described many fewer such requests. The 10, 11, and 12 year olds were much more skeptical of television advertising than the younger children were, having found, they said, that things advertised on television do not always turn out to be as good as they appear.
>
> "Thus, the simple, direct, overt 'mommy buy me...' response to television advertising seems to reach a peak in the elementary school years. After that period, response to television advertising begins to take another, harder-to-trace (but not necessarily less effective) form -- a form labeled 'passive dictation' and described below.
>
> "The younger children ask for many things, but they don't get everything they ask for because parents act as dampening intermediaries. Older children are more selective and more circumspect, but still effective -- especially when the product is one they are going to consume themselves. A number of the children report, for example, that the cereal-buying is delegated to them." (p.9)

Wells goes on to illustrate this point with a conversation taped at a supermarket:

> "A young woman and her five year old son enter the aisle.
> 'Do you want cereal?' asks the mother.
> 'Yeah, this kind,' answers the boy as he holds up a box of
> Froot Loops.
> 'You always get them and don't eat them,' says the mother.
> 'Yes I do,' protests the boy. He then puts the cereal back.
> 'I'll show you what I want,' he says as he runs down the

> aisle looking at the cereal. 'These.' He holds up a box of Rice Chex. 'I want these.'
> His mother, in the meanwhile, looks at the soup across the aisle. She picks up some cans and drops about five of them. She bends down to pick them up.
> 'How about these?' asks the boy as he holds the Rice Chex close to his face to show his mother.
> 'You don't like them,' says the mother. 'We'll get Corn Flakes.'
> 'No.' answers the boy emphatically.
> 'Well you always buy the other kind and you don't eat them,' explains the mother. 'How about these?' she suggests as she picks up a box of Crispy Critters.
> The boy continues to look. 'These,' he says as he holds up a box of Trix.
> 'No,' answers his mother. 'You don't eat them.'
> 'Yes I will,' he answers. The mother holds it and looks at it.
> 'If you dont eat them I'm going to shove them down your throat one by one.'
> 'Oh, you wouldn't do that,' says a shopper.
> 'I just say that to threaten them,' explains the mother. She then walks up the aisle to her cart. She places the cereal in it and they then go." (p.9)

Wells defines "Passive Dictation" as a less direct pressure on parents to buy certain products:

> "Even when children do not aks for certain brands and certain products in so many words, their mothers observe what they consume willingly and what they resist, and govern purchases accordingly. At times, this passive dictation governs product choice and brand choice for the whole family. If other family members, including the mother, have no objections, the child is likely to carry the day.
>
> "These observations have several implications for advertisers. They suggest, first of all, that it is easy to underestimate the influence of children if all types of influence are not taken into account.
>
> "Another implication of these observations is that the difference between the child's and the parents' evaluation of a product can be a most important dimension in planning advertising strategy. If the product is not much valued by parents, but highly valued by children, a substantial proportion of the market will be accounted for by children's personal purchases, and the parent will seldom be an intermediary." (p.9)

Wells details age and sex preferences in television programming and advertising:

> "Children who spurn cartoon programs as too juvenile to be worthy of their attention still react extremely positively to cartoon commercials; and except for reactions to one particular kind of commercial, the reactions of older boys are not much different from those of older girls.
>
> "The one exception that seems to elicit different reactions from the two sexes is the commercial in which a young aggressive hero engages in violent action. Both boys and girls seem to like aggressive hero commercials equally well, but for different reasons. The boys like the violence, while the girls like the heroes. The boys participate in the action vicariously; girls worship the heroes from afar." (p.10)

The article then moves on to describe ways that advertisers can best attract a child's attention and make him want to buy a specific product:

> "Some advertisers have done a much better job than others in creating commercials which advertise the brand rather than the product category. Some commercials make children want the specific object advertised, while others evoke a more generalized need which can be satisfied in a variety of ways. At one end of this scale are commercials for toys, movies, and TV shows, which almost invariably make children want the specific toy or the specific entertainment -- not just toys or entertainment in general. At the other end of the scale are commercials for ice cream and peanut butter, which make children want ice cream or peanut butter but do little to create preference for the advertised brand. Commercials for cereal and candy fall toward the toy end of this scale, while commercials for cookies, cakes, and soft drinks fall toward the peanut butter end.
>
> "Children's comments show that some advertisers of products near the peanut butter end of the toy-to-peanut butter scale have evolved ways to individualize their brands. One of these is to offer prizes which can be obtained only by using the brand in question. This tactic works in the sense that it makes children want a specific brand in order to get the prize, but its effect is temporary at best. As soon as enough children have obtained the prize, another prize must be offered, or the situation returns to where it was at the start.

> "A somewhat more permanent solution to the individualization problem is to associate the brand with a personality children admire. Because children do ask for certain brands just because the brands are identified with someone they like very much, this tactic is apt to remain effective as long as the association is continually reinforced and the personality remains popular.
>
> "Still another way the individualization problem has been handled is by identifying and emphasizing some product characteristic that is unique, even though that characteristic has little to do with basic needs fulfilled by all members of the product category. The 'snap, crackle and pop' of Rice Krispies is one example of this tactic; as is M & M's 'melt in your mouth, not in your hands' campaign. So far as the individualization problem is concerned, advertising a secondary distinction, as long as it is a distinction, is much better than advertising a primary characteristic which all brands possess.
>
> "For attracting and holding children's attention, moving pictures are much better than still pictures, and pictures of any kind are much better than words. Children's descriptions of what they remember from TV are full of verbs." (p. 12)

One of the techniques Wells suggests to make a child want a specific product is the emotional appeal of magic power suggestions:

> "Certain commercials -- like the commercials for some kinds of cereal, some kinds of candy, and some kinds of bread -- imply that using the product will build muscles or increase athletic abilities. When asked directly about these claims, most children deny that they believe them; but when the question is asked the other way -- when children are asked what commercials make them want the product and why -- some of them say, 'because it makes strong muscles' or 'because it makes you run fast.' The best hypothesis seems to be that on a rational level children know these claims are not literally true, but the commercials have succeeded in creating an aura about the brand that gives the brand a special and highly desirable significance. The image is there even though, strictly speaking, the substance is not.
>
> "Another type of 'motivating scene' the children often mentioned was the scene in which one character shows he wants the product by trying to get it -- usually, but not always, trying to get it from another character. As with the 'magic power' commercials the motivation seems to be on a fantasy level. Even though children know perfectly well that commercial characters are not real, seeing the characters strive for something produces a powerful inference that that something

must be worth having.

> "Another type of scene the children recalled as making them want the product was the scene in which the product is consumed and obviously enjoyed. It is probable that children learn about many good things in just this way, so they have a strong impulse to try something when others, especially others they admire, appear to be enjoying it." (p. 13)

Wells summarizes some of the general observations about children's influences on product buying and their reactions to advertising on television:

> "Children influence the consumption of products in several quite different ways -- through personal purchases, through direct requests at home, through direct requests at the store, and through 'passive dictation.' A complete account of children's influence requires that all these ways be understood. **(emphasis added)**
>
> "Children are especially reactive to certain 'motivating scenes' -- scenes which announce an extrinsic reward for using the product, which feature genuine news about the new products, which endow the product with magic power, which show someone wanting the product, which show someone enjoying the product and saying 'it's good,' which demonstrate the product's attributes in motion." (pp. 13-14)

MOTIVATIONAL RESEARCHER BROCHURES DESCRIBE THEIR GOALS, INSIGHTS AND TECHNIQUES

"Our services will be more flexible in that it allows for testing at any stage of development (i.e. rough art work, storyboards on film, finished productions, etc.). In addition to the assessment of television advertising. The system can be used to screen interior 'new product ideas', evaluate 'spokesmen for new and existing products', or test 'finished advertising' whether it be in print, package or television."

"From the brands on the Cascade shelves they [children] will be asked to chose the cereal they most want to take home. They will also shop for two other child oriented foods, such as soft drinks, drink mixes, cookies, candies, and so on. After making all of his/her selections the child will then be seated in the theater. Commercial viewing will proceed when at least ten children have completed their preselections. . .

"The test program to be shown will be a thirty minute live action pilot film that has never appeared on television. Although an animated show is available, live action is preferred over a cartoon in order to make the test commercials which are so often cartoons stand out or be slightly pronounced. Two commercials will be inserted in the test program - the test commercial, plus a commercial advertising one of the product catagories used in the supermarket preselection. . .

"After viewing the program with its commercials, children will be asked in the supermarket once again. This time for their post-selections for the same three product catagories. . .

"In addition children will also be asked to rate the test product character or commercial via a 'smiley face' scale for interest or liking. . .

"Children will then be given a structured questionnaire which features words or pictures which children might use to describe the test products, spokesmen, or commercial. They would be asked to check all off only those words or pictures they would be used to tell a friend about what was shown and said in the test commercial. [1]

Above quotations from Comlab, Inc., 17 West Grand Avenue, Chicago, Illinois.

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1. All emphasis in the body of this testimony has been added by the author.

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"Sampling by telephone in the Los Angeles metropolitan area to obtain a test universe of 200 to 250 children. . . Exposure to the test material was done in a controlled theater environment with the commercials being presented in a clutter of entertainment material. . .Measurements were largely self administered, dealing with immediate interests and brand recall and brand preference changes motivated by the commercials. . .

"What kind of a system can be developed which would (1) allow sampling of children down to the age of four and five years old (2) generate reliable and sensitive evaluative measures allowing a positioning of commercials relative to each other.

"Neither children nor their mothers are informed specifically what it is they will be doing only that they will be asked to give their opinion of some tv material. . . any children with speech impediments, language problems, or other psychological or motor impairments are identified and, if necessary isolated.

"Small groups cells are established. Each of these is checked to assure (1) no more than 15 per cell (2) no cell has more than 2 children in it who belong together in terms of family or group affiliation and (3) the age distribution in the cell is relatively homogenous. Children in the cell are seated in the conference room well spaced and with "come-togethers" separated from one another.

"All film is shown via rear screen projection designed to look like a tv set. The order of exposure is as follows: entertainment (7 minute cartoon), control commercial, test commercial. . . the after exposure measure provides a completely different test situation than that used for the pre-exposure:(1) children are taken individually from the room to a series of shelf displays where an array of the various brands are shown within a typically cluttered shelf environment (2) the monitor shows the child where the products are located and the child makes his first or second choice from the shelf (3) this procedure is completed for both test and control brands.

"The pair of commercials is shown a second time as a reinforcement. Children are then asked to indicate a preference rating between the two and are further led through a number of simple questions about the test film. Typically these will include (1) smiling face rating scales for the films as a whole, the characters, the product, etc. (2) aided comprehension for aspect of story and copy (3) rating specific aspects for the commercial execution via a phrase check list.

"Before the children leave the conference room they see the commercial once more (monadically) as a reminder before they enter the individual stage of interview . . .

"Within five minutes of completion of the group portion of the study, each child is interviewed individually in private. All interviewers are women and all have had extensive experience with children. All physical precautions are taken to minimize the child's resistance to the interviewer.

"Typically an individual questionnaire might be designed to question in the following areas: (1) comprehension and involvement in the action line of the presentation (2) attitude towards the characters, do the children empathize, what values do they contribute to the film (3) what does the story/character combination tell the viewer about the user of the product. . .

"Reactions of mothers are sought primarily as an alert to commercial approaches aimed at children that might have some backlash among mothers. . .

Above quotations taken from Audience Studies, Inc. and ComLab, 1971 - 1972 "Experiments With A New Approach To Children's Testing"

* * * * * * * * * * *

"Located in Salisbury, Maryland, a relatively isolated city about one hundred miles from Baltimore and Washington, D.C., the system is capable of transmitting dual, simultaneous television signals to two similar groups of households through the integrated use of community antenna television and local transmitting facilities. The CATV subscriber group consists of a total of approximately 8,000 households which are divided into two similar groups each residing on one of the main trunk cable of the CATV system. The CATV system in Salisbury accounts for 80 to 85% of the total Salisbury households. . . There are several methods available for evaluation of alternative strategies. They include monthly waves of telephone interviews among similar groups of 500 CATV subscribers residing on each of the two cables."

That from the Market Facts, Inc., Chicago, Illinois

"Locations in residential areas of the suburbs. . .close enough for convenient access yet far enough away to avoid the big city syndrome that total reliance on in-city studies can create. In-home like, comfortable surroundings, conversation is relaxed and free for the kind of candid exchange that successful group sessions require. . . Nor are you the client overlooked. Observers can sit comfortably around the conference to see and hear the sessions through one-way glass and if you wish closed circuit television while maintaining simultaneous communication with the moderator. You are there. . . yet you remain invisible, unseen by the participants. . . a trained staff is available for transcripts and complete analysis. The entire session may be recorded on audio/video tape for later study."

From Claire Brown Associates, Inc., Elizabeth, New Jersey.

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"Because we interview personally we can measure not tuning but listening. . . not sets to which nobody may be attentive but the attention itself. . . by all members of the family. They enable us to elicit limitless quantities of quantitative information regarding audience makeup, buying habits, product use and interests at the very time we measure listening."

From Pulse, Inc., New York, New York

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"Areas of study include studies of the personal and sociological forces leading consumers toward the various brands and products . . .studies of the rational and emotional content of print, broadcast and televised advertising and ways in which such advertising can be made more effective. . .studies of media directed toward helping editors and producers improve the editorial content of magazines, newspapers, radio and television programs, popular records and movies."

From Social Research, Inc., Chicago, Illinois

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"Two instaneous measurements are available to the client to determine whether a commercial has the power to stand out from the clutter of tv advertising, to hold the viewers attention, and to involve them in the film. The first of these is derived from responses given via ASI Recorder dial. This is a small reostat dial attached by cable to the seats of a sample of 175 viewers [in the Preview House theater]. Respondents are asked to turn this dial (starting at a center, normal position) to indicate how they feel about what they are seeing on the screen. This provides a conscious interest dimension. A second sample of 115 viewers is equipped with a set of finger sensors. When attached, these allow monitoring of the degree of resistance to the passage of minute electrical current, thereby registering the level of Basal Skin Resistance. (BSR). This automatic measure relates to the degree of subconscious involvement with the perceived stimulus. Both ESR and interest responses are recorded by computer and presented graphically as continuous line charts. In both instances these measures can be evaluated for total audience or any set of subsamples required." . . .

"The in-theater technique is readily adaptable as a means of evaluating children's reactions. Since 1963 ASI has been testing programs, commercials, and product material among children ranging in age from pre-schoolers (i.e. under 5) to teenagers. The same basic frame of measurements used for adults is used for older samples. For younger children, 'smiling face' scales are used for questionnaire measures together with product pictures to aid on the pre/post brand preference measures. . .sampling is conducted in the Los Angeles metropolitan area with a total of 200 children supplied. Two types of sample frames can be used - younger children (6 to 12 years old) and teenagers (13 to 17 years old)."

From Audience Studies, Inc., New York, New York.

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"Since [1962] through the findings of hundreds of studies, seminars, and published articles and consulting sessions here and abroad the company has earned a reputation in the interpretation of children's attitudes. . .Studies in this field, contracted for by some of the country's largest and best known manufacturers of foods, drugs, toilet requisites, toys and soft goods - as well as by advertising agencies, book publishers and television networks - having included ones like . . . the acceptability of high protein food in hand snack form. . . the feasibility of an age related"system"of pre-school toys. . . the experimental and diagnostic testing of a prefinished commercial for children. . .preteen children's attitudes toward powered soft drinks. . . the probable appeal to children of a proposed television program format. . . the influence of children on the purchase of selected food products. . . the influence on children of product color, shape, texture or packaging. . . the wisdom of 'product presenters' for children's foods . . . the reaction of children to primary colors and emotional words in advertising copy."

From Gene Reilly Group, New York, New York

"Examples of various areas of our design research include, Star Kist Tuna/image vs. reality/ a psychological study of packaging and advertising problems for Frank Gianninoto. . . Study of the importance of the baby on baby food labels for Beech Nut Life Saver. . . the chubby study: a study of reactions of chubby teenage girls to clothes available to them for DuPont and Sears Roebuck. . .The new Hungry Jacks store, a stranger comes to town for Burger King. . . The appeal of toy tents to children and parents for DuPont. . . Needs as they apply to the merchandiser of children's clothes - ages five to twelve for DuPont and Sears. Study of the effectiveness of five tv commercials for Florida Fresh Citrus Fruits for Lennen and Newell. . .Analysis of three Burger King commercials for Burger King . . . Effective use of the doughboy in snack advertising for Pillsbury. . . A study of reaction to a new Bosco commercial for Donahue and Company, Inc..

From Paul A. Fine, Associates, New York, New York

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"Child Research Service, Inc. results applied by major manufacturers have produced many changes in name, package, product and communications that have led to greater child acceptance. This research technicue is available to virtually any marketing problem in which the child influences the purchase or is the ultimate consumer. . .A food company found new success with a dessert after CRS discovered that the name was not inviting to children. A paper product package was redesigned because it was 'too good' - setting such high standards that the product disappointed the child; and a cookie TV commercial was made more effective after CRS revealed one of the characters was 'too silly', and embarrassed the children . . .

"CRS employs a unique method of interviewing children 4 to 16 years of age, and getting their reactions to products, media, commercials, packaging and ads. . .

"Group sessions with ten to twelve children, close in age, are conducted by experts in dramatic improvisation, psychology and market research. The children demonstrate via play - acting, games, drawings, and working with the product, what their expectations are, what impressed them, what they would change, and how they would try to convince their parents to buy it. For example, to find out how and to what degree children influence their parents' purchasing habits we ask the youngsters to play-act a typical shopping situation in our simulated supermarket. . . Their message interpretations, effective retention, misconceptions, etc. - often not revealed by traditional interview methods - are clearly demonstrated when the children act out what they think they saw and heard. . .

"Special facilities are available in our Communications Research Clinic, Upper Montclair, New Jersey.. . The New Jersey facility also has a theater seating fifty, where films, tapes, film strips and slides can be shown, a closed-circuit TV, a large playroom where children can work with products and act out situations where food is prepared."

"Each commercial selected for testing via this method is exposed to a sample of 130 children in the target sex or age range appropriate to the product. (For example: A boy's toy is tested only with boys; cookies, soda, gum, and cereals are tested with all children. Chewable vitamins are tested with children aged 5-10; cake mixes are tested with girls over eight years of age.) . . .

"The tests are conducted in schools in Northern New Jersey. Other test locations can be arranged if necessary. . . Children enter a large school auditorium. As they enter, they pass by a simulated supermarket shelf on which the test brand and several competitive brands of food items have been arranged. . .

"After the children have made the pre-exposure choice, a cartoon vehicle is shown to the children. Spliced into this vehicle are 16 mm color film versions of the test commercial and one commercial for an entirely unrelated children's product. . .

"After the cartoon, the youngsters' post-exposure brand preferences are taken via a separate "order blank" in the questionnaire. ,. .

"Following this, the children fill out diagnostic measures on a special children's picture questionnaire with regard to:

- brand recall
- product image
- parts liked best and least
- commercial message."

From Child Research Service, Inc., New York, New York

WHAT DO MOTIVATIONAL RESEARCH HOUSES VERBALLY SAY ABOUT THEIR SERVICES

(The quotations herein listed are reconstructed from notes and should not be considered percisely verbatim.)

"Our new offices have four large focus rooms, a complete laboratory, rooms with one-way mirrors for observing children, video tape and recording facilities, test kitchen, commercial viewing rooms, etc..

"Six years ago we did extensive work for Mattel in developing Barbie and other dolls in that line. We produced 400 tapes for Mattel, recording 400 sessions of children's groups. The children were asked about clothes for Barbie, accessories (cars, luggage, pets, hairdryers, etc.) and different facial expressions they wanted. Apparently mothers were returning headless Barbie dolls to Matell and the company wanted to know why kids were ripping the heads off the dolls. It turned out that kids didn't like Barbie's facial expression all the time. They were taking her head off and putting other dolls heads on her body.

"We worked with General Foods when they introduced two new sweetened cereals. We went into the schools and asked kids opinions of them. We tested premiums for Atlantic Richfield, you know the Noah's Ark toy and asked children the types of animals they would like to see in the ark.

"We tested Flintstone vitamins in the schools. We asked them to take one vitamin and actually asked them to taste two, one with iron and one without. Yes, we explained everything to the parents ahead of time."

From telephone conversation with Florence Plotkin of Research Taping, Santa Monica, California, December 14, 1972

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"The Wheaties people wanted to know if the Champion then was still working so that they could change the box. We studied this country's 'hunger for heroes' and fed that data to the advertiser. The child wants the hero but also wants to be involved. So we advised them to start out an advertising campaign with the kid saying 'look at the chart' and then switching over to the hero.

Interview with Ernest Dichter June 18, 1971.

"We advise not only what you say but how you say it and what symbols to use when you say it. . . Remember it may be cheaper to try out a product rather than research it, which means the public is the guinea pig. . . When you launch a new food product there is more research than with toys; it will cost more to get it to the market and there is just a higher degree of sophistication in the business. There are bigger risks, bigger budgets and hence people are more careful. The research for a food product will go to; is it a good product? Will it sell? And how to sell it? It is the rare product that fills a void; saturation of markets is common so someone has got to figure out how to compete, this means competing in the advertising. A consumer protest is a powerful and volatile thing and companies are coming to realize this.

"I am worried about what tv is doing to kids and who knows what it is doing to kids. I suspect that some of the problems in the schools are tv related and schools have fallen behind and the kids are bored. . .

"Communication en masse is different from individual communication. Saturation campaigns are used and ad men know that it works differently. . .

"It is hard to tell if sugar campaigns affect a child's natural disposition towards sweets. . .

"Yes, we should share research data with the public after a period of time."

Quotations from an interview with Dr. Burleigh Gardiner
November 4, 1971.

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"I am a skeptic about motivational research; in-house groups do thorough studies only rarely; they are not as good as outside professionals. I doubt if any solid pieces of research have been done. We look at a narrow facet of a project. A lot of our stuff is shallow. It isn't research, its solicitation of ideas. . . We have done it with very young children; below the tenth grade it is difficult to interview, it is easier to observe. It is best to work with videotape then one can have other analysts review the process afterwards. All research on children upsets the material, same as with a physics experiment. Most sponsors fly blind when they're devising ads for kids; research is the first thing to cut when profits go down. If one were to do first rate research it should be a blend of academics and others with personal commitments. The research should be done by the professors themselves. One should keep tight control of it and have a peer review, otherwise creative people in academia will take forever. One should also research how ad men view selling to the child and see how it varies by level of an executive in a firm. Toy manufacturers don't do much research. Among ad men how to communicate with kids is more important than what is communicated. . .

"It is known that a mother with children in a scene is better than just a child. . .

"Remember, a child is a moving target and hence advertising is difficult."

Quotations from conversation with Dr. Burleigh Gardiner
February 15, 1973.

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We have found that children poo-poo ads at the seven and eight year old age. They know everything they hear is not so but they still want the item. . .

"No kid under ten likes reading; it is too much like decoding therefore we have to sell. . .

"If the market concept is too female boys may resist. Remember, girls are more advanced in reading so girls usually start out ahead in games. Boys need to move more . . .

"Remember Hi-C and Hawaiian Punch as selling nothing but fun, fun, fun. If the product is not child oriented the ad must be, that's why you saw the ghost in that Hi-C ad. If a product is child oriented show the product in the advertisement. . .

"We can research what to do, what to play up, what age group is the focus, what words are key, what size the game should be. . .

"The Wheaties campaign which started out 'You didn't take your Wheaties' as the kids falls down flat near home plate was the result of a group of kids seeing three storyboards from General Mills but not liking them. They developed the ad and we put it to music. They did believe that Wheaties was a training food but the message had to be subtle and have humor...

"We helped develop Kaboom. We helped with shapes and colors. The name originally was Boom but the kids made it into Kaboom. We have a little tv film on our role in researching vitamins. . .

"We can get into schools and test our ideas with hundreds of kids. Kids indicated to us that they wanted Flintstone not Batman when we were testing the shapes of vitamins. We tested time and time again. Miles went through a several thousand dollar tooling up cost and tests all over the country for various ads for Pals and Chocks. As a result Miles got 18% of the kids vitamin market. . .

"It was interviews with kids that brought the car into the Flintstone story, they said make it old-fashioned like a Landrover because Daktari has one. The J. Walter Thompson agency got the Flintstone theme under a limited license.

"When it comes to selling gasoline the male is usually in a rut, he uses his credit card, that is why service stations are starting give aways to Mum or to the kids. Texaco did well with the firetruck. Shell has had another promotion with matching dollars. Even drive-in restaurants are giving premiums.

"We do think a hard-sell may make kids want a product or a premium more. We do have areas where we can show it on television.

"The group leader in our session handles the kids to prevent slant or domination. Some have been trained as teachers, some in dramatic improvisation, some in Stanislavski. There is an organization of groups or clubs in Upper Montclair or within twenty miles of there. We would call the secretary and ask for ten to twenty kids, maybe seven to eight years old. Two mothers will car pool the kids in. No kid comes in more than twice a year. Kids only know a third of their fellow participants. If the child wants to leave it is okay. We do point out the camera to them. We do suggest to these children that they 'speak for kids all over America'. We point out the mikes and the steno. The sponsor usually stays behind the mirror.

Conversation with Carol Hyatt, May 3, 1972, New York City.

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"A gas company ad shown on children's television is really to daddy to act on behalf of his kids . . . boys as well as girls will play with dolls until their parents bring in their biases . . . kids will tell you what you want to hear but that means you have to pose the question even more carefully. But, you can unlock kids."

Conversation with Dr. Phillip Eisenberg, New York City, May 3, 1972.

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"Remember if it is a multi-child family with a child in pre-school there is an awesomely greater influence on the mother than there would be in a family where there is a six year old just starting school. Don't forget the tug on the skirt-seeking pleasure gratification demanding of a child. . .

"For a six year old you offer him something free or ask him to send in 25¢ for a plastic car. For a nine year old you can talk in more abstract terms like what's good about Cub Scouts...

"We psych out how to present these ideas to a child. We use a smiley face scale with seven stages of grading. We are interested in what children say as they view a product or an ad and also in what they do not say. . .

"We do group work here, we have recruiting men in Bergen County, New Jersey. We get groups from five counties in New Jersey and Westchester County in Long Island, New York. . . One has to recognize regional variations in kids. The bubble gum cards are better in Manhattan than they are in Iowa where baseball is not as visible.

"The smiley scale to the kids is a personal 'secret' rating system. We ask them to tell us the goods and we listen to them with enthusiasm; then we ask them to tell us what they didn't like. We asked them what would make this really great for you and what kind of kids would really like this and who would ask their mother to buy it. . .

"One should not invent a kid game but invent a kid oriented adult game. . . Don't aim at girls only, boys and girls like boy's games. Girls like the boy in the Cheerios ad. The recent 'sugar and spice' cereal lost half of its audience because it sounded girly.

"There is a token black in ads pretty much across the country. We can plug into interview facilities in sixteen different cities using half-inch video tape, one-way mirrors and audio tape. Most of our interviewees don't know each other. We seldom mention brand. We only sometimes mention the categories of testing when we first make the telephone contact."

"We find the average child by the age of six has been gypped."

Conversation with Gene Reilly, May 11, 1972.

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"Cable tv is a good way to air test ads. We use Cox Broadcasting Cable. We notify the homes by mail that the testing is coming. On cable television we can control the clutter of the 60's, the 30's, and the 10's. And we can ask by telephone for a recall the next day. Talking to Mum's on the telephone is okay but not good for kids; only extroverts talk on telephones."

"Our theater has only been somewhat successful with children. If we get a couple of hundred together we have problems. Smaller groups are better. We use the smiley scale and sometimes we use a mockup of the supermarket. . .
We screen the kids to make sure we get the right mix of bodies. Sometimes we'll show a cartoon or an animated lead in from a cartoon, then a commercial, then we place certain objects in the kids way to see which ones they select. We can test down to the age five, but seven is easier and above thirteen kids test as adults. . .

"Forty percent of our business is advertising testing. And we look for concept, product print size and even magazine recall. We may deal with 1,500 commercials a year.

Audience Studies, Inc., Conversation with Mr. Boyd, May 12, 1972.

WHAT SPONSORS SAY ABOUT ADVERTISING RESEARCH

"Hunt-Wesson's primary research among children to date has been on the snack-pack line. We try to select snack-pack additions that appeal to children and are approved by their mothers."

Letter April 19, 1972

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"In 1965-66 General Mills spent $42,973,000 in advertising media to maintain and strengthen its market position. . .

"What has changed through the years is the increased effectiveness of scientific techniques in measuring the market impact of advertising expenditures. Large expenditures alone do not guarantee success. As budgets increase the responsibilities of the scientific marketer grow increasingly great."

From General Mills Annual Report, May 1966.

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"General Mills declines to answer any questions except to say: Yes, kids are used in research and testing of all our children's cereals."

Conversation with John Winkland, Public Relations, Minneapolis, February 1973.

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"What steps are employed in developing a child oriented campaign? Naturally, specific techniques employed are proprietary and therefore we are unable to describe them in depth. However, we will outline our organization of such an endeavor. (1) Define the quantified importance of children to the product concept. Are they the decision makers? If so, why; if not, why? (2) Assuming importance, determine what it is that turns them on and/or off about various concept renderings, positionings, etc. (3) Feed this information to a creative guy with a child-like mind. (4) On a qualitative basis observe children's reactions to the creative output. (5) Once a promising campaign is launched, measure quantitatively children's acceptance.

Letter from Burger King Corporation, April 25, 1972.

". . . For a particular product there was a given frequency of exposure required in order to achieve a significant increment in the volume of orders. Below the frequency threshold even though a substantial amount of money was spent there were not sufficient amount of sales to justify the expenditure. Just above the threshold, however, the affect on the sales was dramatic. (Furthermore, they found that increases in spending beyond that threshold did not produce still larger increases in sale).

"Design the test so that when the respondent is interviewed he does not know he is being interviewed about his exposure to an advertisement or commercial. He should perceive the interview as merely being an attitude survey . . . Expose the individual to the commercial or put advertising in his home so that he has no idea that his viewing is part of a test."

Publication of the Association of National Advertisers, December 1971, pages 24 and 26.

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"I would like to sit down and discuss in depth with you our child testing 'methods analysis and applicability of results to the marketplace.' However, these techniques as they relate to child testing are a very confidential part of our department and cannot be disclosed.

"Mattel's child testing program is handled by researchers who know that a child who knows his play is under surveillance will not react as he would in a natural play situation. If an adult gives him a toy he deduces that the adult wants him to play with that toy - and he will play with it whether or not it captures his fancy. So the child testing of toys - which might better be called the toy testing by children - is conducted in special rooms constructed for the purpose. Each room is equipped with an unobtrusive microphone and it has a one-way window. Observers can see into the room but the children see only a mirror. . .

"The children who have been delivered by their mothers are led in and shown the toys with no effort to persuade them to use one rather than another."

Letter from Mattel, April 13, 1972.

HOW MOTIVATIONAL RESEARCHERS SELL THEIR SERVICES TO PROSPECTIVE CLIENTS

Correspondence with a variety of motivational research firms indicated no unanimity or certainity of technique. While many of these responses had in mind a new game we were suggesting, the claims could fit many a product:

> "While children can profitably be observed playing in a group situation, they should never be interviewed other than on a one to one basis. Tape recorders, incidentally, are excellent when used with youngsters . . . The interviewers must be able to establish a comfortable rapport with the child encouraging a maximum of spontaneous expression in the child's own language . . . Among the many topics we have researched for children's attitudes are the following: toothpaste, candy, bread, shoes, cereals, medicine, ice cream, citrus fruits, air travel, toys, dictionaries, toiletries, radio, and television, and private schools."
>
> Institute for Motivational Research, letter of April 4, 1972

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> "If you have an Ethnic market research problem, we can handle it for you. We've specialized in Black consumer and Spanish-surnamed consumer surveys for over twelve years. The thirty-one billion dollar Black consumer market has doubled in the last ten years. Does that figure interest you or your clients?"
>
> Far West Research, Inc., letter of December 19, 1972

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> [We have]"been invited to give personal presentations on the whole question of marketing to the youngster for such companies as General Mills, General Foods, Ltd., in Canada, the Keebler Company, Nestle, Hasbro Industries, Hunt-Wesson Foods, and a number of other distinguished companies over the years.
>
> "The sorts of problems with which we have been concerned have reanged from both concept and product testing, the diagnostic testing of television commercials, (emphasis added) studies of children's behavior insofar as that behavior might relate to

> the acceptability or the rejection of a new product idea, and classic studies of the whole gestalt of a market or a market opportunity from the point of view of the child consumer.
>
> ". . .we have found it both difficult and impractical to work with children in group situations below the age of 5 years. Children 5 years of age or younger are simply insufficiently accustomed to the whole group approach for the methodology to be an efficient problem-solving technique. In establishing ground rules for ourselves, we have usually worked with groups composed of both boys and girls at the age levels of six to eight years and nine to eleven years to make assessments of products which are aimed at the pre-teen market.
>
> ". . .it would be hoped that 8-year-old children might be capable of acquainting us with attitudes of younger children, whereas 10-year-olds might help us key in on the older pre-teen."
>
> The Gene Reilly Group, letter of April 27, 1972

Talking about depth interviews and the facilities which can produce them, Reilly says:

> "As the momentum of discussion generated by the group increases, many inhibitions are released, and panelists tend to express feelings and opinions which many do not express in a conventional interview. Thus, the dynamics of the group situation generate an ambience conducive to expressing feelings otherwise not heard.
>
> ". . .In a well-equipped laboratory, principals and representatives of the organization commissioning the investigation can observe and hear the discussion -- without themselves being seen or heard by panelists, thereby further eliminating the distraction of outside parties in an interview situation."

Casting some light on how toys are "positioned" in the marketplace, Reilly noted:

> ". . .a greater propensity to purchase generally exists among mothers in the lower socio-economic

stratum, perhaps as their way of conveying a deeper concern for the proper development of their youngsters than that shown by their more affluent counterparts, or of compensating for their inability to provide the so-called 'better things' in other areas."

The Gene Reilly Group, letter of April 27, 1972

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"Conducting focused groups . . . with both children and parents to determine the particular appeal of the new product, the ways in which it should be modified, the markets on which it should be focused, and the ways in which it should be marketed. The results of these groups would be summarized in a written report to help give you more definitive direction on what should be produced and how it should be marketed.

". . .As I mentioned, you may want to sit in on the parents' groups and observe the childrens' groups through a one-way mirror. Many of our clients participate in the research this way and it is a good way for you to develop a first-hand feel for the current strengths and weaknesses of your product. We use only senior psychologists to conduct these groups, who have the capacity to guide the play of the children or the discussion of parents and interpret the results in a consistent and meaningful manner."

Behavior Science Corporation, letter of March 24, 1972

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"Two small group panels (4 to 6 respondents) would be conducted under the guidance of a psychologist. One of these would be with younger children (say 5 to 7) and the other with older ones (possibly 9 to 10). Within the framework of this exercise, the game would be introduced to children and explained in detail. The children's comprehension of the concept and execution, and the vitality of their interest would be probed. Following this, the adult moderator would leave the area allowing the children to play apparently unobserved...All behavior and candid responses could be observed via closed-circuit TV. Involvement would be gauged, and after the children had become immersed, the psychologist would return to explore areas of confusion, dissatisfaction, etc...

"These probes, while they will not answer many of the questions you have posed in your brief, can give an effective start to positioning the concept's acceptance. (Naturally we feel it would be to your best advantage to have your own representative present for observation and discussion on these initial tests).

Audience Studies, Inc., April 24, 1972 letter

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"Pre-Teen, a division of MMRA/Marketing & Opinion Research has a national research capability in new product and attitudinal research among children. Among the techniques we use are:

'Secret Club' Focus Groups
Observed play sessions
Pre-Production Television
Commercial Evaluation.

"Although we deal with children of all ages our special realm of expertise lies in the five through ten year old group. Although our staff does include psychologists we are essentially a marketing oriented research group .

"Since all of our studies are proprietary investigations on behalf of our clients we cannot show you samples of our work."

MMRA/Marketing & Opinion Research, letter of February 10, 1972

* * * * * * * * * * *

"A word about our company. Marketing Evaluations, Inc., has been in business close to ten years helping solve a diversified range of problems from determining the potential for new products, market testing, tracking advertising, audience research for national magazines, and selecting a site for a retail store operation, to merchandising political candidates.

"More importantly, we have been deeply involved in research on children's products, notably a comprehensive study just completed on the opportunities for broadening the market for the View-Master, conducted for GAF in cooperation with its advertising agency, Daniel and Charles. This survey embodies extensive interviews with mothers, children, owners of View-Masters, and non-owners.

"For years, our recently acquired affiliate company, Bennett-Chaikin, Inc. instituted and maintained a panel of children, ages 8-17, for Boys' Life Magazine - testing premium acceptance, new products, attitudes and behavior patterns of young people of all ages."

Marketing Evaluations, Inc., letter of February 14, 1972

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"We do not specialize in focus groups of children but have done groups of 8-11 year olds and 12-17 year olds for a N.Y. ad agency. We were enormously successful in recruiting them for the hour long session on the phone. And the show-up rate was 100%."

TeleSession, letter of February 7, 1972

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"We have had extensive experience with children in two areas: Television programs and toys (reactions to commercials, to existing toys, and for new product development). In the TV area our clients have included ABC, NBC, and M-G-M-TV. In this toy area our clients were Ideal Toy Co., Aurora, General Electric, and Samsonite. In all, we have conducted more than one hundred studies, some of which involved reactions of mothers and their children.

"In the course of this work, we have learned a great deal about how to interview children and how to interpret their answers. We have learned much about the child's world, which, in many ways, is different from the adult's world. We are convinced that it is only with this understanding that one can conduct meaningful research in this field."

Motivation Analysis, Inc., letter of February 15, 1972

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"For example, we can do exploratory research to gain reactions to concept, product, package, and advertising, then recommend refinements when it will improve product acceptance by youngsters. After the product is marketed, we can do any type of consumer research, depending on what it is we wish to determine. We do personal interviews, phone interviews, groups, etc.

"The reason we are the major youth research group is that our staff people are experienced youth psychologists. We also have ex-teachers on our staff who have years of experience in educating youth. When it comes to knowing this market and determining and assessing youth reaction to products, advertising, packages, parental influence, etc., we are unparalleled. Our client list speaks for itself."

Ted Angelus Associates, Inc., letter of February 11, 1972.

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". . .we have taken pains to learn by semantic differential tests the best way to 'position' a new product for children. We also seek to associate a new product with particular needs of children that may not be traditionally associated with the product category of the new product, but which may be immensely beneficial in differentiating the new product from others as afar as children are concerned. We also have developed some concept test methods which enable us both to pre-test advertising effectiveness and to use some form of advertising as a basis for checking out the very important question of product/advertising compatibility for children."

The Sorensen Group, letter February 14, 1972

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"The kind of problem you briefly described in your letter is exactly the type of assignment that we perform for a wide range of clients, including manufacturers of consumer and industrial products, service related companies (such as airlines, advertising agencies, etc.). I might add that our overall scope of activities include a large percentage of work with child-related products, such as cereals, soft drinks, snack products, etc. Some of our clients in this area include Ralston Purina, Warner-Lambert, Ovaltine --- to name a few."

Appel Haley Fouriezos Inc., letter of March 23, 1972

"Currently, we are working on the following types of projects:

-a qualitative study for a major network evaluating one of their children's programs whose ratings have decayed in the last year;

-a quantitative study for a food client who is trying to select the best premium to attach to a new food concept which we helped him develop;

-ongoing studies of 30 new products for a bubble gum client that include analysis of prototype product, packaging and pricing;

-quantitative study for a vitamin client evaluating their new vitamin commercials for their effectiveness vis a vis their major competition;

-a qualitative test evaluating a new spokesman for a series of commercials for a drive-in hamburger chain;

-a taste test of a new meal for children that will be conducted both quantitatively and qualitatively for a major food manufacturer."

Child Research Service, Inc., letter of February 7, 1972

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"In each qualitative group session, the group leader will make use of special psychologically projective techniques to help the children express themselves freely and fully. The overall purpose of these unique projective play methods -- developed by CRS over the years -- is to liberate the children from shyness or verbal limitations so that they can show the analyst how they really think and feel. Some examples of these CRS projective techniques would include:

"Drawing - Children cannot always tell the group leader or write down in words the things they buy, the things for which they recall advertising, etc., but they can draw it.

"Secret Votes - Children whisper their answers to the group leader or directly to the court stenographer. This privacy permits the shy or hesitant child to express his true feelings and prevents one child's vote from influencing another's.

Shout Out Answers - They shout answers simultaneously so they have stated their views before hearing the views of others.

Play-acting - Children act out the things they can't write or say. They might 'show' how they buy certain articles, where, when, etc.

Role-playing - Children may pretend to be their mothers in vignettes in which they act out how their parent may feel. They may also act out how they think other children feel about different consumer issues and problems.

"The complex and psychologically projective nature of these special techniques make indispensible the presence of a thoroughly trained and experienced analyst to interpret the data. In order to enhance the objectivity of his interpretation, the analyst also relies on the observations and insights of the group leader, the court stenographer and special consultants."

Child Research Service, Inc., letter of June 8, 1972

EXCERPTS FROM RECENT BOOKS AND ARTICLES BY ADVERTISING EXECUTIVES

While there seems to be a curious avoidance of talking about children in the plethora of recent books and articles by advertising executives, four texts provide us with some insights.

Mr. Edward Buxton in his book "Promise Them Anything"[1] explains the advertising industry's justification for using emotional appeal to sell products:

> "The selling, promoting and marketing of nearly any kind of a product. . .requires emotional appeals. The total value of a product is seldom determined by its physical properties alone . . .In a normal, mobile society, people are judged every day by the kind of products they own and use. It is the prime means of establishing personal identity, individuality. Their selection of products and the advertising that helps them select are necessarily emotional as well as logical. The critics say this is wrong. People aren't supposed to buy in this manner. They should be protected against themselves. Little children, yes, but admen have more faith and respect for American adults." (pp. 213-214)

In a chapter entitled "What Advertisers Know About You", Buxton talks about the use of motivational research in making commercials:

> "Testing TV commercials is a special complication. If you find a lot of commercials on the air that annoy, irritate, or drive you up the wall, don't be too hard on the advertising people who created them. You, or other people like you, were the judges. Hardly any frequently seen commercial on the air appears there without testing. Some panel of people, supposedly a statistically valid sample of potential consumers, has seen this commercial, compared it with others and made their choice...

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[1] 1972. Stein and Day Publishers, New York, New York.

> "Some of these tests of commercials are wierd. The women seated in the theater allow instruments to be attached to their wrists or palms. This will register minute differences in the rate of perspiration during a commercial. Others will be tested by the movement of their eye pupils. If the pupils widen, they like what they are looking at. If they narrow to catlike slits, they don't like what they see. Other tests measure the rate of breathing, the movement of feet or arms; and in some rare cases, brain waves will be recorded." (pp. 225-26)

> "Then there is the whole area of research that reports the kind of response you give to advertising. The difference between a one-minute commercial and a thirty-second commercial. The difference between humor and a straight pitch. The difference between commercials that tell a story and commercials that demonstrate the product. The same kind of research measures your likes and dislikes about magazine ads, about TV program preferences, about newspaper reading habits. There are ratings, ratings, ratings on everything." (p. 228)

** 1/

Paul Stevens has written a book called, I Can Sell You Anything. He was fired from his job in an advertising agency when the book was published. In the introduction, Mr. Stevens says:

> "Advertising is the art form of the common man, making just about all of us react just about the same way, just about all of the time. Preplanned? You bet it is. We know what will make you feel happy or sad or calm or mad. And we elicit those emotions from you through the highly skilled use of this art form called advertising.
>
> "There is a great mythology in America that advertising has, at best, a negligible influence on you. Nothing could be further from the truth. Today's advertising industry is the most potent and powerful mass marketing and merchandising instrument ever devised by man." (pp. 1-3)

In a chapter discussing the elements of advertising, Stevens says:

> "The more competitive business gets, the closer the products get in terms of their attributes and qualities. So the only thing really left to do is outadvertise everyone else."(p.7)

Stevens later discusses product claims:

> "A word about products which use the claim, "made specially for...." Particularly those made for children. Years ago,

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1. 1972, Peter H. Wyden, New York, New York.

when certain products first came out, they were there for everyone. But as more and more powerful products in the category appeared, they began to take a back seat. What to do? Simple. Sell the weak product as one for kids. After all, kids' headaches are smaller, so they need child-size aspirin. Kids are less irregular, so they need a mild laxative. You have to be very careful in evaluating these "made specially for" claims. Some are valid. Most are not." (p. 191)

"Basically, there are very few different kinds of over-the-counter drugs now being made. What differentiates them all is the advertising. After all, can you be sure that a sinus headache pill is any different from aspirin, or Dristan, or Bufferin? Of course not! But the advertising says it is, just as the advertising differentiates between all the pain pills, antacids, laxatives, and even vitamin pills. The drug industry is growing at an incredible rate, and it is primarily due to the drug habits that they have been able to create among consumers. New names for old products, new uses for old ideas. Until you demand to know more, all you're going to get is more -- of the same." (p. 192)

"Toy commercials fall into exactly one category: Emotionalism. They use one format: Recipe. The one and only difference between them is who screams the loudest. The guys with the most words, the most action, the most noise, always prove that they have the fastest cars, funnest games, most lifelike dolls. No claims, no benefits, except 'fun.' " (p. 203)

"Naturally, the toys seldom live up to the advertising, but that's because the commercials are much better made than the toys. You have no way of preventing your kids from being drawn in by it; all you can do is show them the actual toys, and hope that they get sufficiently disappointed.

"The one rule of thumb that is always true is this: In toy advertising, the batteries are always included." (p.204)

Norman S. Morris in his book "Television's Child"[1] in discussing the issue of television and credibility notes:

> " . . .commercials are crammed with all sorts of messages aside from the sales pitch, but a good deal of the time we just do not pay much attention to the extraneous value messages. Whether a given child will let them pass or absorb them depends a lot on how much or how little he gets from the adults around him. The values transmitted in commercials take on added significance because the child accepts the sales pitch as real. Unless a parent helps filter out as much of the concomitant value static as possible, the probability is quite high that the child will also accept that drivel as real, too.
>
> "These values come in three flavors: blatant, subtle and subliminal. The child is between three and a half and four when he is first able to recognize the commercial as a commercial, but kids remain pretty susceptible to the wild claims of Madison Avenue even up to the age of ten or more. Parental or adult supervision can offer the only effective serum against phony values.
>
> "For the introduction of undesirable values, the innocent-appearing commercial can be an insidious vehicle. Let us say you are watching a commercial and you tell the child that the product is worthless for such and such a reason. Well, you may have thought you presented a convincing argument; that ends that, and he will not pick up anything else. Your words were probably directed against the product itself and not against the shoddy techniques used to sell it. So the more treacherous values slip by and the child may conceivably absorb them." (pp. 24-25)

Morris goes on to hold that:

> "Unwanted television values can be overridden in the same manner. It is a matter of gradually increasing the child's awareness of value messages that are piggybacked atop sales messages. If the parent detects unsavory messages slipping in, he should not ignore them but bring them out into the open and discuss them. That is the surest way of keeping harmful values from being swallowed whole by children." (p. 28)

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1. 1971. Little, Brown and Company, Boston.

Morris points out the correlation between advertising costs and the price of children's toys as he notes:

> "Parents continually complain about the high costs of TV advertised products, particularly toys. While it is true that technology can account for some of the high prices, another factor is the advertiser's budget. Duncan Farr, the merchandising manager for Fisher Price, says, 'When you start budgeting fully ten to fifteen per cent of your sales dollar for TV advertising, you've got to take it out of something. And that something is quality. We put our money, in the main, into the toy, and we've never had anywhere near ten per cent of our sales dollar allotted for advertising. Apparently, the competing larger toy firms like Hasbro, Mattel, and Remco do put that kind of money in it.'" (pp. 52-53)

The child may further be led astray by irrational emotional appeals Morris points out that in a Kool-Aid ad:

> "Here we see a forlorn boy sitting around when who should hop by but Bugs Bunny. 'What's up, Doc - no friends?' Good old Bugs helps stir up some Kool-Aid, and the slogan song 'Make Friends with Kool-Aid' fills the air. Presto! The lonely kid is surrounded by an army of little people. Alone, the child is a failure; but throw a product into the picture and he becomes an instant success. It is an idea that television impresses on children when they are still in the crib. And there are a lot of kids who come to believe their social success can be measured in terms of material acquisition.
>
> "Children are continually sold fads and useless toys because the advertiser knows perfectly well tiny kids are impractical, open to suggestion, and fickle. Evidence of this fact can be found in the playroom of just about any household where children have grown up. The plastic airplane models that flew but once, the bugles that blew perhaps a couple of times, the little girl's footsies that have never been worn. Hard sell and repetition are the usual techniques of moving fad merchandise, but such oversell can backfire, drawing irritation from parents and children alike. Our own survey showed that most parental resentment toward commercials is directed at these hard pitches; they feel angered by both the high price and the flimsiness of television-advertised toys. Many times a perfectly good toy is not purchased by a TV parent because of the oversell employed." (pp. 56-57) (emphasis added)

Advertising Executive Mel Helitzer recently wrote a book called The Youth Market.[1] His quotes speak for themselves:

> "Children can be very successful naggers. By and large parents quite readily purchase products urged upon them by their youngsters. In Helitzer Advertising's research, it was found that a parent will pay 20 percent more for an advertised product with child appeal-even when a less expensive, non-advertised product is no different." (p. 32)
>
> "What about the use of children in commercials to sell adult products? Psychologist Dr. Frances Horwich, herself a director of children's programming for TV, has stated flatly that 'to ask children, and pay them to sell products which are not a part of children's lives is pure exploitation of their talents, as much the parents' fault as the advertiser's poor judgment.'" (p. 37)

In regard to the purchase of a bar of soap, a fabric softener or a cleaner, Helitzer says:

> "Mothers surveyed indicate that because their children ask for specific products and brands, they spend an average of $1.66 more per household weekly. Thus 'child-power' adds at least $30 million weekly, or $1.5 billion annually, to grocery retail sales - just to make Junior happy." (p. 44)
>
> "With the direct visual medium provided by television, manufacturers of such products as food, drug, and toiletry items and clothing can advertise and sell as effectively to these youngsters as can the makers of candy, gum, toys and games. The biggest mistake being made in basic advertising strategy today is aiming exclusively at the parents of this market segment, with adult appeals that sail completely over the youngsters' heads." (p.50)

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1. 1970. Media Books, New York, New York.

> "Tests conducted with children have indicated preference for and response to the adult male voice. Stylized cartoon voices placed second, adult female voices placed third. Children's voices in a group placed fourth, and an individual child's voice placed last. This appears to be the 'prophet without honor' syndrome, since the children's reaction seems to be that a child's voice isn't believable, that it lacks authority, or that it has a 'smart guys' sound and is stilted and unreal. However, children's voices should not therefore be entirely banished from commercials. A limited use of children's voices saying 'great!' 'wow!' 'terrific!' can be highly effective. But these approving voices should be recorded off camera, so that they can be taken as those of other viewers rather than of participants in the commercial." (p. 179 - 180)

As for the role of music, Helitzer says children:

> ". . . will sing the words to a commercial, clap hands to the rhythm, mimic sound effects, and even dance to the commercial music, although admittedly the younger the age range the easier it is to involve them." (emphasis added) (p. 185)

As to the actors for the commercials, children will take note of a child in an ad. A child can bridge the distrust and give legitimacy to an adult actor's presentation. Helitzer says:

> "Real actors are rather hard to find in the under-10-year-old category, but 'real faces' are available in every shape, color, and expression. When you use a child, use one a little older than the age of the child to be sold. A 7-year-old demonstrating a product aimed at a 5-year-old is more effective than a 5-year-old would be. All children aspire to be older, more grown up.
>
> "The sex of children used in commercials is also a critical consideration. More often than not a boy refused to be sold on anything being demonstrated by a girl. A good rule of thumb is that when in doubt, leave out the girls. Most general products can be sold to both sexes by the use of boy models, and even with girl viewers, boys tend to provide greater interest than girl models.

Listing who has used children and the techniques used to turn them into naggers in the home, Helitzer says:

> "The rush to get blowups into kids' rooms, kitchens, bathrooms, playrooms, and even living rooms has involved such companies as General Motors (offering posters of wild birds, for its Pontiac Firebird), Esso (for its Humble tiger), Alka Seltzer, Kellogg, Quaker City Chocolate, and many others." (p. 81)

Nothing has been left unstudied. The ad's conception; the ad's theme; the ad's phraseology; the cast of characters; the choice of words; the use of live action, animation or puppets; the sound; the motion; the musical accompaniment -- all have been carefully researched with the penetration of the child's defenses in mind.

You have heard testimony on the uses of sound in commercials. Let me just repeat two paragraphs of Helitzer's book:

> "A child old enough to look at, grasp, and respond to a television commercial has reached the age where Mommy's voice has on occasion become a tiresome and sometimes even painful sound. He has heard it day in and day out for hours on end. As any mother will testify, her voice is often limited in effectiveness. For this reason, the male voice is far superior in reaching the child. It is authoritative ('Wait till you father gets home. He'll talk to you about that!') The associations with the male voice are usually less frequent, and hence command more attention and respect. Female voices are all too reminiscent of the don't and do of mother and teacher.

> "Children, just like their parents, are highly status conscious. Commercials that appeal to the desire for stature in the child world are highly effective. Children respond to appeals that carry the promise of making them a better person, or smarter, or stronger, or someone that is growing up faster than the other kids. The infamous phrase, 'be the first kid on your block,' has been subject to considerable criticism - both seriously and in not-so-funny jest. However, in the children's marketplace, this idea is a tested and proven persuader. Every child strives to get an edge on his contemporaries, to be first. One-upmanship is far from being an exclusively adult phenomenon." (pp. 181-182)

As with adult performers, or adult critics of ads, children will often hear of an ad format and will want to revise it. Helitzer points out that

> "Bates Advertising used this approach with a group of fourth-graders, who were invited to visit the agency. The children worked out 'copy platforms' for Three Musketeers candy ('Buy one, get two more pieces of candy free') and Bufferin ('Show Mommy getting a terrific headache because the kids are always fighting, and show how Bufferin is the best headache reliever and works the fastest')." (p. 185)

General Mills tried out some rennovated Wheaties ads under the supervision of a motivation service. The falling down baseball batter scene where another young ball player gibes "You didn't eat your Wheaties, you didn't eat your Wheaties" was child conceived, phrased, and acted out.

Specialty techniques have their usefulness too. Holding an election was beneficial to the Esso Tiger, Quaker's Quake, and the Trix rabbit. Clubs have helped Pillsbury's Doughboy, Mattel's Barbie, and endless record promotions.

He also recommends putting mother in the scene.

> "This does a number of things for your commercial or ad: (1) it indicates parental approval, (2) it increased parental product awareness, and (3) Mother likes to think of herself as the attractive, smiling model in the picture, especially if the positive response to the product is also directed at Mother." (p. 200)

How broad is the youth market? How pervasive? According to Helitzer:

> "In one study, 65% of the mothers interviewed said their children had a great deal of influence on their dry-cereal buying, and 25% said they had some influence, for a total of 90%." (p. 73)

H. J. Heinz a few years ago:

> "revealed that 40% of soups are consumed by under-12'ers, and 25% by children under 8." (p. 77)

And the youth market is not that hard to reach. A vice-president of Batten, Barton, Durstine & Osborne claims:

> "TV is the vehicle that delivers the most complete positioning of a product, its benefits, its use, its looks, and its character. You can reach 90 percent of the youth market in one week by scattering TV commercials in shows that are slanted to the young." (p. 216)

Another way to reach the young are the well promoted specials. Helitzer says:

> "These are frequently run as block-buster introductions to the advertiser's selling selling season, for trade and holiday merchandising value, and as a way to reach a large family audience. They may be rerun year after year." (p. 221)

We have referred in previous testimony to the dry breakfast cereal boxes being a breakfast table billboard. Helitzer points out a common arrangement

> ". . .the advertisers/novelty manufacturers . . . grant the cereal manufacturer major price allowances on premiums offered inside the package in return for the advertising space, since they are anxious to get the advertising value as well as the sale." (p. 79)

Animal characters as salesmen have a niche unto themselves. Whether one is selling to children or through them, animal characters give one a leg up. Helitzer points out:

> "Animals are neat stereotypes, symbols of quick identity for strength, power, speed, durability, and intelligence. They can be used as spokesmen where other methods might fail - you can drive home a point with wild exaggeration, without censure. Children have a delightful sense of the ridiculous when it comes to animals, and will accept statements from animals that they would reject coming from adults, or even from adult cartoon characters. And cartoon animals are ideal as character merchandisers, as witness Mickey Mouse, the all-time champ." (p. 196)

We have testified earlier on the use of host or superhero figures to sell to children. Helitzer recommends one create an animated superhero spokesman.

> "If you've watched children's Saturday morning TV programs, you will have noticed the predominance of cartoon serials. Many of these involve super heroes who leave even the granddaddy of them all - Superman-far behind in imaginiative feats. Most company cartoon spokesmen are of the Mickey Mouse type - likable and humorous. Remco toys used 'The Little ol' Toy Maker," a stereotyped character of the early 1900's. Such friendly spokesmen have also been successful in advertising to adults - speedy Alka-Seltzer, Miss Peach, Charlie Brown, the Esso Tiger, and Mr. Clean. But in our opinion, if you want to create your own hard-hitting spokesman to children, the most effective route is the super-hero - the miracle worker. He certainly can demonstrate food products, drug items, many kinds of toys, and innumerable household items. Although the weirdo super hero -born of the desire to fill the fantasy needs of today's sophisticated teens -lives on amid great controversy, he has demonstrated that he is a powerful force." (p.196-197)

Food merchants regard the child as a particularly choice target. Apparently the Child Research Service helped design a storyboard campaign for a bread manufacturer who had

> "decided to aim a heavy advertising campaign at 4- through 8-year olds." (p. 148)

Nabisco's Richard Baird guided that company through 32 recipies for cookies and 53 name possibilities to end up with Chips Ahoy.

> "Three quarters of the national budget for the new product went into kiddie TV. The rest is cookie history." (p. 154)

(The nation's medicine men have not ignored the child. We have recently filed petitions with both the Food and Drug Administration and the Federal Trade Commission seeking correction of products labeled as hazardous to children. A large number of such products appear on television programs where the under twelve audience exceeds five million. Geritol Tablets, Anacin, Dristan, Lysol Deodorizing Cleaners, and Arrid Extra Dry are among these.)

The Bates Advertising firm approached a headache commercial challenge with what Helitzer calls "an honest creative answer to a ticklish situation". He points out:

> "Drug products for kids are particularly difficult to advertise. Many of them are reduced to formulas of adult products, and most carry the same brand name (regular Dristan nasal spray and Dristan nasal spray for children). Putting children in the adult commercial in a realistic slice-of-life scene not only gets kids involved, but is a more memorable and more effective way of getting them to accept, if not ask for, a proprietary drug product. (p. 185)

ON BEYOND TV

Our interest in selling to and through children goes beyond television. The printed medium has not ignored the child. We pointed out to the Federal Trade Commission in November 1971 that over a billion square feet of advertising appears in comic books each year in this country. Helitzer stresses:

> "The comic sections are a prime medium for children and young teen-agers. Desired geographic segmentation is possible, by reserving far enough in advance to secure insertion in papers reaching specific market areas. . . (p. 236)
>
> "The Sunday newspaper can also be used to carry your entire catalog into the home. In 1969, Mattel used Sunday papers in major cities to reach 85 million children and parents with a special 16-page Christmas toy suggestion book. It was a perfect tie-in with the company's multimillion dollar TV campaign, permitting the youngsters to spot their favorite toy, run to Mommy, and say 'here it is' - with picture, description, and suggested retail price. A parent would need nerves of steel to avoid being KO'd by such a two-way punch." (p. 236)

Packaging design and research is not haphazard for children. The Rath Packing Company hot dog pack showed:

> ". . .the Indians, gaily garbed in feathered headdresses, alongside a bush and a tree. On the tree appears the rhyme, '2 little, 4 little, 6 little hot dogs, 8 little, 10 little, great little hot dogs. Snack-time, lunch-time, any old munch-time, you've got a treat to eat by Rath!' The rhyme is also used on television. The packages were designed for strong child-appeal." (p. 267)

Trade marks and logotypes are important. The whole package goes through dummie and mock-up stages;

> ". . .so that structure, material, color, graphics, logo, and even package copy can be tested before the product is manufactured and sent to the market. It is possible to produce silk-screen test samples that are extremely close in appearance to the final manufactured version. These can be placed on store shelves, and in special display racks, and colored slides taken in every conceivable retailing milieu, for later presentation at consumer 'clinic' sessions to get reactions to the package compared with its competitiors." (p. 268)

If all else fails, a seller to children can try the schools. We have seen that many are willing to deliver up their children to the commercial advertising process. Helitzer says:

> "Educators are not in the business of promoting a particular manufacturer's product. But they are alive to the objectives of the commercial world, and with ever-tightening school budgets, willing to cooperate more and more. They welcome educational materials, professionally produced and presented with tasteful, very soft-sell sponsor identification." (p. 312)

SUMMARY

Professionals trained in child behavior analysis use children in the conceptualizing of an advertising campaign; in the development of its theme and characters; in designing the music, motion and graphic style.

Professional psychologists use children to compare ads, weigh ads, dissect ads and improve ads.

Child actors are used to overcome the distrust a child may have for the adult selling world around him.

Such techniques are on the rise. There is practically no information regarding the impact on the under twelve child of the 22,000 to 25,000 commercials he sees on television each year. All existing information is in the hands of industry sponsors, agencies and broadcasters. Even the Office of Child Development of H.E.W., the Federal Trade Commission and the Federal Communications Commission admit that they need unbiased research data to permit them to carry out their regulatory responsibilities on a before-the-transgression basis.

Unilateral knowledge of the impact of advertising on children raises questions both of unfair business practices and unfair broadcast presentations. The ethics of the private enterprise system unfortunately may permit such activities to continue. If so, consumer education from now on should encompass "how to unmotivate the commercial desires of your child".

Robert B. Choate
February 27, 1973
1346 Connecticut Avenue, N.W.
Washington, D.C. 20036

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4. Promise Them Anything, by Edward Buxton. Stein and Day, Publishers, 1972.
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MOTIVATIONAL RESEARCH FIRMS MENTIONED IN THIS TESTIMONY

Appel Haley Foureizos, Inc.
Audience Studies, Inc.
Behavior Science Corporation
Bennett Chaikin, Inc.
Child Research Service, Inc.
Claire Brown Associates, Inc.
Comlab, Inc.
The Gene Reilly Group
Gilbert Youth Research
Far West Research, Inc.
Institute for Motivational Research, Inc.
Market Facts, Inc.
Marketing Evaluations, Inc.
MMRA/Marketing and Opinion Research
Motivation Analysis, Inc.
Arthur D. Little, Inc.
Pulse, Inc.
Research Taping
Social Behavior, Inc.
Social Research, Inc.
The Sorensen Group; Paul Fine & Associates
Ted Angelus, Inc.
TeleSession

ADVERTISING AGENCIES, MANUFACTURERS AND OTHER BUSINESS FIRMS MENTIONED IN THIS TESTIMONY

American Broadcasting Company
National Broadcasting Company
Metro Goldwin Mayer

Ted Bates Agency
Batten, Barton, Durstine & Osborne
Daniel & Charles
J. Walter Thompson

Association on National Advertisers
National Association of Broadcasters

American Home Products
ARCO
Aurora
Beech Nut
Milton Bradley
Burger King
Campbell Soups
Coca Cola
Donahue & Company, Inc.
Dupont
Esso
Fisher Price
GAF
General Electric
General Mills
General Motors
Gimbels
Gulf Oil
Hasbro
Hunt Wesson
Heinz
Ideal Toy Company
Kellogg
Kenner
Lennen & Newell
Mattel
McDonald's
Miles Laboratories
Nabisco
Pepsi
Pillsbury
Proctor & Gamble
Quaker City
Quaker Oats
Rath Packing Company
Remco
Samsonite
Sears & Roebuck
Shell Oil Company
Texaco
Wrigley

FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

MILES W. KIRKPATRICK
CHAIRMAN

JAN 10 1973

Mr. Robert B. Choate
Council on Children, Media
and Merchandising
1346 Connecticut Avenue
Washington, D.C. 20036

Dear Mr. Choate:

This is in response to your letter of November 29, 1972 concerning advertising and other forms of product promotion which are addressed to children.

The Commission, and individual Commissioners and staff members, have observed on a number of occasions that advertising addressed to children is a matter of special concern to us. Children have always been the "favorites" of the law, and it seems generally acknowledged that children are accorded this same favor under the Federal Trade Commission Act.

Effective administration of the Commission's mandate in this regard requires that the Commission be capable of understanding the manner in which children perceive advertising messages and the manner in which they may act in reliance on them. To achieve this kind of understanding, we require, in many cases, the guidance and assistance of professionals who have studied these matters.

It has become evident that there does not now exist the kind of general, publicly available body of information about children and their perception of advertising that the Commission and other organs of government require to perform their missions. These same resources do not seem, however, to be denied to advertisers. This imbalance tends to impair the Commission's effectiveness in this field, and restricts the Commission's actions to an almost wholly post facto, case-by-case approach which is often not satisfactory.

In view of these needs, the Commission feels that the public interest would greatly profit from a study or studies of advertising and promotion of products to children. In particular, studies of the way in which children perceive advertising messages, their unique values, fears and concerns, the way in which they are exploited by advertisers, and the pressures children may exert on parents to buy products, would all be useful subjects of scientific inquiry. The Commission is of the view that such studies are warranted, and would encourage qualified groups to undertake such projects.

With regard to your request for the direct assistance of the Commission, the agency may be able to provide some, but not all types, of the aid mentioned in your letter. Financial assistance from the Commission may be possible, but only after a more detailed statement of the research involved and an evaluation of the worth of the project to the agency's mission. The Commission's staff may be able to provide the requested guidance in the choice of those who may be useful in such studies. However, information gathered in the course of formal investigation from advertisers may only be made available on a selective basis and to the extent that its revelation does not impair the success of ongoing cases. On this latter point, a subsequent decision will be required once it is decided what files may be useful to you.

I hope that this statement will be useful to you, and that it will be productive in fostering the research we both desire. Nothing said in this letter should, of course, be taken as reflective of an attitude concerning any case or other matter now pending before the Commission, or as otherwise indicating a disposition on my part or by any other Commissioner toward any matter about which we may be required to make an adjudicative decision.

With kind personal regards,

Sincerely,

Miles W. Kirkpatrick,
Chairman

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

February 14, 1973

OFFICE OF
THE CHAIRMAN

Ms. Edith Friedman
Executive Director
Bruner Foundation, Inc.
60 East 42nd Street
New York, New York 10017

Dear Ms. Friedman:

This is in response to your letter of January 11, 1973 concerning the impact of advertising on children.

The Commission, individual Commissioners, and staff members, do consider advertising addressed to children as an area of special interest and concern.

It would be beneficial to this Commission, other governmental agencies, advertisers, and broadcasters if there were, publicly available, a body of information about children and their perceptions of advertising. According to some reports, this information appears to be available to advertisers. By making this type of information available to everyone, the Commission and other concerned bodies could, perhaps, act more effectively.

The Commission believes that a study, or studies, concentrating on advertising and product promotion to children would be beneficial. Of special interest would be scientific studies noting the perception of messages by children according to developmental levels; the values, fears, and needs to which persuasive appeals are directed; the particular techniques of persuasion used in children's advertising messages; the impact of commercials on children; and, the pressure techniques children use to urge their parents to buy advertised products. The Commission is of the view that studies of this nature are warranted.

Nothing said in this letter should be construed as reflective of an attitude concerning any matter pending before the Commission, as indicating a disposition on my part, or on the part of any other Commissioner, toward any matter about which we may be required to make an adjudicative decision.

Sincerely,

Dean Burch

Dean Burch
Chairman

Mr. Macdonald. Thank you very much, Mr. Choate. I really have just one or two questions of you from your statement. I didn't have time to go through all of it until now, but as I read it, I was wondering did you have in mind any specific products that should not be advertised on television or at least the messages that television aims at children?

Mr. Choate. I think that we have to look out for that definition. A good part of television is aimed at children, according to Mr. McGannon. I think any time you have an audience that is even 15 percent children you have to pay attention to the message that is going out. When you go over the figure of 15 percent children, then you are exceeding 3 million children in the national audience, and I think it is a big enough audience that we ought to worry about it.

I see no excuse for advertising Drano before child audiences. Drano shows up as a cause for hospital admissions. I can't see any reason to be advertising sleeping pills or analgesics to children. I think some of the cough syrups that are advertised in front of child audiences are counterproductive and detrimental.

We can figure out an audience threshold; when that threshold is exceeded there are a certain number of children in the audience. I think if you do any research you will find out that after 9 p.m., the child audience drops precipitously. If you are going to have the family viewing concept in programing, you can have it in advertising.

Mr. Macdonald. How high does your definition of children go?

Mr. Choate. What are the largest child audiences?

Mr. Macdonald. By age.

Mr. Choate. Eleven and under. That is what Nielsen uses and we didn't want to get into another description of an audience. Two through 11.

Mr. Macdonald. Do you think kids are grown up at 11?

Mr. Choate. No; but there are enough forces at work on a child so by the time that child is 12, I think television has less impact.

Mr. Macdonald. Of course, this is true of some homes, but there are an awful lot of homes that don't have that kind of supervision. The TV set becomes a sort of babysitter as the case may be.

Mr. Choate. Certainly true in homes where there are two working parents. I am not saying one is working at 8:30 at night or whatever your time was, but parents often are not in the home. That is one of the things that bothers me.

We also have a large number of homes that have two TV sets. Children may be in one room and the parents will be in another room, so they might be watching television at the same time, but not together.

Mr. Macdonald. I was thinking of the poorer homes where the TV is the least expensive and most available form of entertainment.

Mr. Choate. Interestingly, with low-income homes and particularly black homes—I am getting some of this from Commissioner Hooks of the FCC—in poverty homes and in black homes at the lower end of the economic scale, television is glamorized and given a credibility beyond its due. There is a tendency among many poor people to buy national name brands, because they seem to have greater trust in a product because it appeared on the tube or in a magazine. As a result, they pay a premium for the product. They pay for the advertising; they give more credence to it.

Mr. MACDONALD. Do you happen to know what happened to the family group that was put together under Dean Burch at the FCC?

Mr. CHOATE. The children's unit?

Mr. MACDONALD. Yes.

Mr. CHOATE. The children's unit was in force under Dean Burch for about 2 years headed up by Elizabeth Roberts who I believe met with your staff last week. The unit prepared a report for Chairman Burch in the last year prior to his departure. After Chairman Wiley took over the FCC, that entire unit was disbanded.

Mr. MACDONALD. But I haven't heard one word of that this morning from anybody. Of course, I was going to ask you.

Mr. CHOATE. We had an appropriations hearing, one of those that is listed in my testimony, and Chairman Wiley was asked for the child report. He started to stammer and stutter around, and someone up here demanded that it brought up here to the Congress in 24 hours. I want to tell you the FCC went into a state of panic trying to find the study report that Mrs. Roberts had written; it had been in their file for 2 years. It was produced and was insufficient.

Mr. MACDONALD. Do you think that any further restrictions on advertising are going to have much effect on the financial health of the networks?

Mr. CHOATE. Let's stop and analyze that a minute. Certainly it is going to have some impact upon them. But until the networks acknowledge that the amortization schedule for children's programs is very, very different than for adult programs, we are talking about peaches and pears.

A good child's program can be aired every 2 years to, in effect, a new audience; it will pay for itself over a much longer period of time than say a "Rhoda" or a "Maude" or something like that. Until the networks acknowledge that they can very well finance more and better programs for children and still get the same eventual return from that program, then in effect we are going to be talking as cross purposes.

I also think it is quite proper in a private enterprise system that the networks making good profits from other audiences in their day turn some of that profit back to be fairer with the younger audiences.

Mr. MACDONALD. I want to stop at that, Mr. Wirth?

Mr. WIRTH. Mr. Choate, I would assume that all of us in this room would agree that we don't want children drinking Drano. I think we have to ask the question what do you know about the relationship between an advertisement of Drano on television and the fact that kids may end up with Drano in their systems; that is, does television have any impact on that at all.

Maybe we can assume that it is only careless parents who leave Drano open or leave Drano in a low cabinet rather than a high one or without the top on it, or the mother who overuses Drano and the kids watch mother using it and consequently they use it.

Mr. CHOATE. It is fascinating that in our private enterprise system when a broadcaster sells a sponsor time, sponsors will spend thousands of dollars devising a commercial because they are absolutely certain that it will communicate something. But this same advertisement may sell an idea to a child. Then the question is raised, who can prove whether that child got any part of that message and misconstrued it? Why should we assume a child does not receive some of that message?

Mr. Frey. Would the gentleman yield?

I just wonder if you have any statistics that go back over a period of years to see what has been happening in the home as far as numbers of cases in the population.

Mr. Choate. Prior to television?

Mr. Frey. Yes; I have five children of my own, and I am certainly concerned about it.

Mr. Choate. We looked and we couldn't——

Mr. Frey. There is no correlation at all in terms of statistics?

Mr. Choate. Not really; I am trying to get the Consumer Product Safety Commission to do some more definitive work on that.

Mr. Frey. Is it true that television advertising is directed at marketing a product to a household or to the housewife or whoever may be responsible for cleaning that house or part of that house, and in relation to Drano, it is not targeted on children or suggesting to children that Drano be consumed by those children. These are very different purposes, right?

Mr. Choate. No.

Mr. Frey. Are you saying that because a child sees that advertisement on the television, therefore there is a connection between that child's potential consumption of that product? I was wondering what kind of evidence suggested that this is the case.

Mr. Choate. You are talking about television sending ABC, and you the adult picks up the ABC message, but your child picks a d.e.f. message. The implications of this suggest a question to ask the experts.

Mr. Frey. You said earlier that not too many years ago you yourself were advocating a good deal of research, but Peggy Charren said don't waste your time doing that; nothing will happen. Have you changed your mind, from the time when you thought a great deal of research ought to be done, to a position where you say we have to be more action oriented?

Mr. Choate. You will find out from Drs. Liebert and Fowles that there is research going on in television communications. This book, "The Selling of the Child," talks about how advertisers research children to make sales. I think you can get out of Drs. Liebert and Fowles how when one conveys a message to a child, he or she can misconstrue it, misinterpret it. Children can act on it for totally different reasons than the originator originally thought.

I would like to see research sponsored by the FCC and FTC on understanding "unfair" in their everyday operations—for adults as well as children.

The FCC is responsible for unfair broadcast practices, but who is to say what unfair means. Is it going to be the Harvard Law School's interpretation or a reasonable interpretation by a consensus of the audience familiar with children in other parts of the country. I think we have to figure out when a communicator is engaging in either deceptive, exploitative, or unfair acts to children and to interpret the law that way.

Mr. Frey. I think there are two groups of research [illegible]search of what we know and of what we don't know. I think the second one was brought up by Mr. Choate in his testimony in which he asked why these agencies have the issue for 2 or 3 years and not act upon it or even have a record of it. Would you like to answer your own question?

Mr. Choate. Chairman Engman launched his study group because he had spoken out on the issue of children and found his fellow commissioners didn't support it. So he quite reasonably put together a group of private citizens, critics, consumers, broadcasters, advertising agency people, and got them working through six or seven sessions on what should be the proper restraints on advertising to children.

We have a very lengthy record of these meetings; it was quite obvious industry was there, not wishing any code, but there hoping that it could persuade the Federal Trade Commission not to rule. Charren and Choate were there trying to develop a code that would be acceptable to the industry.

Mr. Frey. So you are suggesting there is a second kind of issue which may relate to the idea of various agencies and regulatory commissions' responsibilities for overseeing the advertising content of television.

Mr. Choate. I don't think the FTC or the FCC is seeking to rule in the area of children. They fear it is going to open up a Pandora's box of specific interpretations that they might have to apply to others.

Mr. Frey. There are a whole set of issues perhaps related there. Are you suggesting that 95 percent of Mr. Wiley's research goes to talk to industry groups and not to consumer groups?

Mr. Choate. As we point out in this testimony, perhaps we should take a look at the FCC's real function. Maybe it is not supposed to be a consumer agency and, if so, you should tell us where to go. Maybe we are getting on the wrong horse. I would point out that both of these agencies have relied heavily on self-regulation.

I am a believer in self-regulation and I believe that self-regulation out in public with a sunshine law in effect would be very constructive, but to date the self-regulation has been done behind closed doors by people who have written an evasive code and have not really defined the target of their efforts.

Mr. Frey. I think that there is another area of issues related to the Federal Trade Commission or the Federal Communications Commission being authorized to make rules with respect to the values that may get transmitted to kids through ads. There are many questions of how much control should they have, do they have, or how much control should they not have in the whole area of the relationship of values and what gets transmitted over the networks.

This is a very serious first amendment area, certainly one that we ought to consider.

Mr. Choate. One would wish that the broadcasters would exert some moderation upon advertising to children so the tube would not, in effect, be advocating pill-popping or antinutritional habits or excessive materialism. But it is not in the nature of the private enterprise system to be moderate; we go after profits lock, stock, and barrel. When business overdoes something someone has to step in, the Government, the Congress, or concerned individuals, and I think in this case you get all three stepping in.

Mr. Frey. Some people say that is why various consumer groups are effective as well.

Mr. CHOATE. We have been known to speak out on some of those areas.

Mr. FREY. Thank you, Mr. Chairman.

Mr. BYRON. What kind of a bill do you propose?

Mr. CHOATE. I haven't advocated legislating in the first 4 years that I have been in this field. But after watching the FTC and the FCC go through their shell game, I do believe that some legislation is in order if nothing more than to clarify whether the FTC or the FCC has the dominant position. Wiley and Engman toss the ball back and forth between them.

Mr. BYRON. What kind of legislation?

Mr. CHOATE. Let the Commerce Committees on both sides of the Hill determine in the matter of advertising for children, since so much of it takes place over television and so much of it in print has been totally ignored by the FTC, which agency has the dominant position in declaring unfair practices to children; nothing more than that. I think that would make for excellent legislation if there were legislation at all.

In addition, I think some financing can be put into this research. I think it is a good idea. And I think there could well be a watchdog committee; it could be part of this Hill's operation. It would be part of the responsibility of this committee.

Mr. BYRON. Why wouldn't the FCC be able to do it under the existing law?

Mr. CHOATE. It would if you would instruct it to, but for 4 years it has avoided the issue. The FCC has an amazing power to do research. It has the power right now if this committee will say get cracking on it.

The House Appropriations Subcommittee told the FTC last year if you need any more money come and see us, we want you to get working on it. But it didn't.

Mr. MACDONALD. I would just like to point out that I think you know both the FCC and the FTC will be before us, and Mr. Engman, of course, will be on record and everyone can read what he has to say this time. I am sure your know that the FTC and FCC do right now have separate jobs. FTC has jurisdiction over the content of the advertising on radio and television, while the FCC has jurisdiction over the number and length of advertisements.

Mr. CHOATE. Mr. Chairman, none of us are really complaining about one drug ad or one Drano ad.

Mr. MACDONALD. I am not complaining about anything. I am trying to clear up something you said, as far as our being responsible for kids being pill-poppers, which I think is a little unfair.

Mr. CHOATE. It is the en masse impact of 20 food ads per hour or 15 drug ads per evening to children. That is what is really uppermost in our minds, and that is neither the responsibility of the FCC or the FTC.

Mr. MACDONALD. It is the direct responsibility of the FCC.

Mr. CHOATE. It doesn't think so.

Mr. MACDONALD. Well, I hope you will be in the room when Chairman Wiley of the FCC testifies. We are looking forward to seeing you.

Mr. Frey, do you have some questions?

Mr. FREY. First, I would like unanimous consent that my remarks can follow yours at the opening of the hearing.

Mr. **Macdonald.** Without objection, so ordered.

Mr. **Frey.** There was one thing that I noticed in your statement at the end of it as you go through and list the responsiblities, I see nowhere listed the responsibilities of the parents. I have been involved a great deal in the drug area over a number of years. You can take all the advertising off the TV, but if mama takes a pill to wake her up, for her headache, and to put her to sleep, her child is going to have problems down the line. And I hope that we also realize that there are other responsibilities along the line that obviously we can't legislate, but I think which are equally important.

Mr. **Choate.** Two years ago we petitioned the three networks and then ultimately the FCC asking that the nets put messages on the air to parents and children, explaining the techniques of advertising, explaining some of the problems that may be attendant to advertising, coming at children in such large doses. The focus of that petition is on the record. If you want to look at it, we can send you a copy.

Why doesn't television help parents recognize that the parents popping the pill backed up by the television parent popping the pill is a devastating influence on the child?

Mr. **Frey.** I think it is. There are obviously problems in this whole area.

Mr. **Choate.** I first testified on this before the FTC in 1971. I haven't been thrilled with all the progress we have made, although admittedly my basic feeling still is that self-regulation in some areas is probably the way to go.

Mr. **Frey.** I am also concerned and just one question: Do you feel the child is the consumer?

Mr. **Choate.** Yes. I believe that not only is the child a consumer directly, but maybe a third-party consumer.

Mr. **Frey.** A lobbyist?

Mr. **Choate.** No.

Mr. **Frey.** That is the way I feel my kids are. They are pretty good lobbyists.

Mr. **Choate.** The cereal companies with whom I have frequent interaction today tell me that something like 72 percent of the dry breakfast cereals are bought by children under 12. I don't know whether that means actually paying for it or slipping it into the market basket, but they say 72 percent of the dry cereals that are purchased are purchased by children.

Mr. **Frey.** Have they done any studies on that?

Mr. **Choate.** They hire motivational research houses to figure out how to communicate to the child. My testimony on this motivational research shows to what extent these corporations will go to get to that under 12-year-old mind. They very definitely are speaking to that child to be a salesman within the home.

Mr. **Frey.** The statistics you provide are pretty interesting. In the Washington, D.C., are of the 20 programs you listed, only 2 are morning programs, 18 are at all other times including some as late as 9:30 and 10 p.m. and they are all basically adult programs. They are not in the so-called child viewing period.

Mr. **Choate.** Of the top 40 programs watched by children nationally, only 2 of them are after 9 p.m. That is what makes me believe that there really is a curfew in existence beyond which children don't often go.

Mr. **Frey.** I understand there are something like 1.2 million children who watch TV between midnight and 1 in the morning.

What I am really asking you, as far as your approach goes, is it a really complete approach to the problem, not concerning any specific times either in the evening or Saturday morning, or is it an across-the-board approach?

Mr. **Choate.** What I am saying is that there ought to be a threshold. Under the NAB code, the "Wonderful World of Disney" is not considered a children's program and the children's advertising code is not applicable.

Mr. **Frey.** Do you feel that the industry, for instance, should take some steps as to not only the question of quantity of advertising but as to the quality of advertising? That gets back to the question of Drano. It appears to me that in certain of these problem areas that there are other ways we can find solutions such as improving the caps on these things which would be some kind of help in the area, but what about the quality of advertising? Why not show an ad where there is no question of it being ingested in any way, such as a picture of the can, which would get the advertiser's message through to the audience without giving an impression of any child drinking it. Have you given any thought to that?

Mr. **Choate.** Yes; we believe there are ways you can advertise hazardous products which don't pose as much risk. Of course, the easiest way is to eliminate them or put them on after 9 p.m., but another way is to put the warning on the air. Why not repeat the warning that is right there on the label?

Mr. **Frey.** Do you really think that warning would make any difference to that 4-year-old?

Mr. **Choate.** I think that coupled with public service announcements would point out to parents that there are a lot of these products being shown in front of children which would make them curious.

Mr. **Macdonald.** I just want to say that either Drano is going to sue us for defamation of its product or we are going to be accused of payola. I don't know which one. This committee has been under attack on both.

Mr. **Wirth.** Just one question on the number of specific issues that have been raised, such as advertising these products after 9 p.m. and putting the warning on with the public service ads. With the understanding that kids watch other than children's programs, why can't all of this sort of thing be included in the broadcasters' code?

Mr. **Choate.** You mean the NAB code?

Mr. **Wirth.** Yes.

Mr. **Choate.** I would have a much greater degree of trust if there were some sort of a sunshine law in effect where people can see what is going on. Certainly the past record of the NAB in slapping the wrist of those who violate its code makes one suspicious. I think they have kicked out one member in the last 15 years for violating their code. One would think that they really didn't have much power or teeth in their code.

I would like to see the National Association of Broadcasters operate their code and restraints with some public members looking on, with public meetings and public minutes so we can in effect know what is going on. But any time you use a definition of a children's program as devious as the one currently employed by the NAB, I think you have a high potential for fraudulence right from the beginning.

Mr. WIRTH. If the broadcasters would go along with that kind of policing and public involvement and so on, that problem could be solved without legislation by having the industry and the consumer groups get together and solve the problem themselves. That appears to me to be the most constructive way of approaching that if that can be done.

Mr. CHOATE. That is the way we have all been talking for 5 years and it has not happened, so can this committee do something to make it happen?

Mr. WIRTH. I would look forward to hearing the broadcasting people as well. I think it would be fascinating to get their impact on this.

Mr. MACDONALD. We appreciate your appearance again. You have become a familiar face before us, and I would just like to have you and others think about how the Congress is going to do something which everyone wants us to do without doing anything by way of regulation. I would like everyone to get together and come up with an answer that we can use.

Mr. CHOATE. What is wrong with regulation?

Mr. MACDONALD. I could give you a lot of reasons.

Thank you very much. The hearing is adjourned until 10 o'clock tomorrow morning.

[Whereupon, at 12:30 p.m., the subcommittee adjourned, to reconvene at 10 a.m., Tuesday, July 15, 1975.]

BROADCAST ADVERTISING AND CHILDREN

TUESDAY, JULY 15, 1975

House of Representatives,
Subcommittee on Communications,
Committee on Interstate and Foreign Commerce,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to notice, in room 2322, Rayburn House Office Building, Hon. Tobert H. Macdonald, chairman, presiding.

Mr. Macdonald. The subcommittee will come to order.

This morning our first witness is Mr. John Schneider, president of the CBS/Broadcast Group of New York City.

Would you come forward, please. Nice to have you here again.

These hearings, as I tried to bring out yesterday, are designed to focus on the problems associated with broadcasting which is directed toward children.

Today we are happy to have Mr. John Schneider, president of the CBS/Broadcast Group, and we will also hear from two representatives of the National Association of Broadcasters and from the Children's Advertising Review Unit of the National Advertising Division of the Council of Better Business Bureaus.

The first witness this morning, Mr. Schneider, is here for a number of reasons, mainly because of his reputation and position within the broadcasting industry, and because of his speeches which I have read with great interest, regarding advertising and children's programing. A few weeks ago Mr. Schneider complained about the reduction in commercial time in children's television saying that, if I recall, that it reduced CBS's profitability by roughly 69 or 70 percent.

Today, I am hopeful you will tell us just how much money is involved, how much money children's programing is making for CBS, and how much it made before what you stated was a vast decline in profitability.

You might also be able to tell us about your differences with the NAB Code, as Mr. McGannon indicated he had some difficulty with the Code.

I take it, to use a rough extreme, that you are at one end of the spectrum and Mr. McGannon is at the other, because you feel that an allowance of 14 minutes of advertising during each hour of children's programing on Monday through Friday and 12 minutes per hour on Saturday is not enough. At the same time, what really puzzles me is that two smaller station groups, Group W as I mentioned, and also Post-Newsweek are satisfied to have only 6 minutes of advertising per hour in children's programing and state that they make a decent profit from that.

I am not by any means attacking the profit system because, as I indicated yesterday, I said I thought that advertising drove the wheels in broadcasting and I quite understand it, so I have no real complaint about it. But I do feel a little puzzled about some of the things you have said about advertising on children's programing, because, indeed, some of it seemed to me at least to be at odds with what other people in other networks have indicated to be the case.

They have worked closely in putting together, with the FCC, I understand, and the NAB, an agreement to reduce the commercial content in children's television.

Another thing that puzzles me about your statement regarding profitability and the commercialization of children's programing is that the other two networks say they have absolutely no complaints and that they are making a very decent profit from their children's programing.

As you well know, Mr. Schneider, networks usually are the first to cry when they think they are being hurt financially to any degree.

So it seems to me there is an important difference between your position and that of other leaders in the broadcast industry, and I know this subcommittee would be interested in hearing your point of view about this, inasmuch as we have already, to some extent, heard the other point of view yesterday and perhaps we will again hear it later this morning when we hear both from Mr. Jerome Lansner and Mr. John Summers of the NAB.

It is my understanding these gentlemen will tell us about what the NAB is doing regarding the commercial content of children's programs. As you know, there is another planned reduction in January of next year when the commercial content of programing presented Monday through Friday will be 12 minutes per hour and 9 minutes 30 seconds per hour on the week-ends.

So we hope to discover whether this is it, or perhaps we can look forward to further cutbacks which, as you know, many people would like to see. Then we will hear from two interesting people, Mr. Steve Campbell and Mrs. Emilie Griffin, of the National Advertising Division of the Council of Better Business Bureaus.

As I understand, they will tell us about what the Children's Advertising Review Unit is doing about the problem on which we are focusing.

I note you have a prepared statement, but it might be well if you can remember most of what I have said, so as to incorporate that in your statement, so we in the committee won't have to go back and question you about it in great detail.

STATEMENT OF JOHN A. SCHNEIDER, PRESIDENT, CBS/BROADCAST GROUP

Mr. **Schneider**. Mr. Chairman, your opening remarks have attributed to me statements I have not made and represents attitudes attributed to me that are not correct.

Mr. **Macdonald**. Which ones are those?

Mr. **Schneider.** With your permission, sir, I would like to deliver my prepared statement and address myself then to those things which I think grow out of a misunderstanding that obviously exists.

Mr. **Macdonald.** Surely.

Mr. **Schneider.** If I may, I would like to go forward.

Mr. **Macdonald.** Please proceed.

Mr. **Schneider.** I tried to make notes of those points you made in your preliminary remarks, those with which I disagree, disagree not as to your representations, but disagree as to what you have characterized as my position.

Mr. **Frey.** Before the gentleman starts I would like to apologize to the chairman and the witnesses here.

I am in charge of lighting the fuse at Kennedy, so I am going to go down. I would like to apologize for my leaving in a few minutes.

Mr. **Macdonald.** We understand.

Mr. **Schneider.** I welcome the opportunity to appear before this committee to present the views of CBS concerning the responsibilities of broadcasters with respect to children's television programing and advertising—and how we are meeting those responsibilities.

I propose to demonstrate, through tangible evidence, the great progress that much of the television industry, and CBS in particular, has made toward meeting our public responsibilities in the area of children's television.

Mr. Chairman, at CBS we promised the American people several years ago that we would concentrate major efforts in this area. And we have kept our promise. We have done what we said we would do. Our record demonstrates clearly that we are part of a responsible industry, an industry that is fully capable of self-regulation and willing to make substantial commitments in terms of talent and money in the best interests of the viewing public. Indeed, there are few industries that can so clearly demonstrate such a commitment to the public interest.

I believe that the broadcasting industry has a lot to be proud of, in children's television and elsewhere. In the short quarter century of television's existence, we have grown into the primary source of news and information for the American people. Polls repeatedly show that public confidence in our news broadcasts has grown consistently over the years, and that it ranks well above other forms of journalism. Not one of our national institutions has come through the unprecedented challenges of this past year of national turmoil with its reputation so deservedly intact as television.

During the same quarter century, our programs have made television the primary source of entertainment and cultural enrichment for the largest and most diverse audience in history. At the same time, television has grown into the most vigorous form of communication for our free enterprise economy. I take pride in the fact that the CBS Television Network has been the leader in the television industry in the United States for 19 consecutive years.

Mr. **Frey.** Mr. Chairman, may I ask a question?

Mr. **Macdonald.** Yes.

Mr. **Frey.** If children's television advertising doesn't cause a child to ask an adult to buy something for them, then why advertise it?

Mr. Schneider. You don't direct the child to go buy it nor do you direct the child to ask its parents. What you are doing is you simply state the positive values of the product.

Mr. Frey. Isn't that quibbling about the point?

Mr. Schneider. No, Mr. Frey, because a lot of the criticism I find is from people who are saying we direct the children.

Mr. Frey. "Go ask your mother to buy Twinkies for you", is not acceptable under the code conditions. If you are not asking the parents or children to buy it, why even bother putting it on?

Mr. Schneider. As I said, it is implicit, but not explicit.

Mr. Frey. What you are trying to say, is that if my five kids don't hit me over the head with a sledge hammer, but instead they come and smile at me, you are really ending up at the same place. I just don't understand why we are playing games. You are advertising to get an end result. If the people didn't think they could get something out of it, they wouldn't advertise on your program.

Mr. Schneider. If the advertiser did not think he was offering a service or a product that a child would buy and could buy responsibly or others would buy it for him, we would not advertise.

Mr. Frey. I don't think there is anything wrong with it, but I think that statement was included, as if it was a tremendous point.

Mr. Schneider. That was done, Mr. Frey, in response to an enormous level of criticism directed to a few unprincipled advertisers who, within their commercial or through their commercial spokesperson, directed the child "Tell Mommie to go buy this for you" and in response to criticism that we were using children as surrogate pressure groups. That kind of advertising was prohibited.

Mr. Frey. OK. My point basically, though, is I just don't see that with some of these prohibitions there really have been such tremendous advances. You are just using some practices in a more subtle way.

Mr. Schneider. There were those who wanted us to do so, so we did so.

Mr. Frey. All right.

Thank you.

Mr. Schneider. CBS also takes pride, Mr. Chairman, in its broadcast record—and that includes our performance with regard to children. We have made major progress in both programing and advertising, and we will make futher progress in the future.

I realize that these hearings are directed "to an overview of broadcast advertising and children." However, advertising and programing are so closely intertwined that I would like to spend a few minutes describing not only what we have done with regard to advertising but also how our programing has changed in recent years.

We have all heard criticism concerning children's television. Indeed, criticism is the price of leadership, and it is often vital to insure continuing progress. But much of the criticism we have heard is based either on confusion about what has been done or is part of an effort to change the very structure and fabric of broadcasting. Many of our critics act as if we have made no changes in children's programing. The facts show otherwise. Let's look at a few of them:

Ten years ago, network television featured a heavy diet of animated "super heroes" on Saturday and Sunday mornings. CBS phased out those super heroes by 1970. In addition, CBS introduced informational programing designed for children. First, there was "In the Know," with five 3-minute documentaries for children each Saturday morning. The next year, this was succeeded by "In the News"—news reports produced by CBS News especially for children and broadcast every half hour, now numbering 12 2½ minute segments each weekend.

In 1972, CBS introduced Saturday morning entertainment programing containing prosocial messages. We made a conscious effort to combine entertainment with education. The first such series was "Fat Albert and the Cosby Kids," with situations drawn from comedian Bill Cosby's own childhood. The story lines were, and still are, developed with the guidance of a board of distinguished scholars and educators. Real problems for children are involved—lying, playing hooky, cheating, frustrations, anger, and tattling.

"Fat Albert" was an immediate success, and in 1973 the CBS Office of Social Research, in collaboration with a child interviewing agency, conducted a pioneering study of more than 700 children that showed 9 out of 10 of them perceiving one or more prosocial or informative messages from a "Fat Albert" episode.

Other CBS children's series followed, communicating prosocial values and information while still entertaining. These included "The Harlem Globetrotters," "Valley of the Dinosaurs," and the "U.S. of Archie." CBS followup studies once again clearly demonstrated, in facts and figures, the effectiveness of our efforts. A full 87 percent of 687 children surveyed about the "Globetrotters" programs received one or more prosocial messages. And, of 617 children interviewed after watching the history-oriented "Archie" programs, 72 percent received one or more prosocial messages, and fully 88 percent received one or more "factual messages."

For the coming year, CBS will produce about 10 new "What's It All About" specials for the Saturday schedule. In the past year, these informative programs for young people have focused on such areas of interest as elections, the Supreme Court, the Congress, and the Senate. Just last Saturday, we carried "What's Apollo-Soyuz All About?", with Walter Cronkite giving young viewers a preview of the major activities of the joint U.S.-U.S.S.R. space flight.

Of course, CBS has not limited its children's programing to Saturday and Sunday mornings. Five days a week, CBS presents the only network daily series for preschool children, "Captain Kangaroo," which is now in its 20th year.

Additionally, CBS offers the highly acclaimed "Festival of Lively Arts for Young People." For the coming school year, this series will include two original "Young People's Concerts," three new "Festival" specials and repeats of four well-received specials. They are "Danny Kaye's Look-In at the Metropolitan Opera," "H.M.S. Pinafore," "Ailey Celebrates Ellington" and the ballet "Harlequin."

There are limits, of course, to how much information we can and should include in such programs. Children who have been sitting in school all week want to be entertained, not lectured, and if the entertainment goes out of our programing, they will simply switch to another channel. Furthermore, every program cannot and should not include efforts to instruct. Some must be nothing more and nothing less than just plain fun.

CBS reduced its use of animation in children's programs. Although there are no definitive studies to prove that animation is any better or any worse than live-action programing, we responded to a call for change. CBS developed a Saturday schedule that was approximately one-half live action and one-half animation, starting with the 1974–75 season. The 1975–76 schedule reflects approximately the same proportions.

As you can see, Mr. Chairman, CBS is not defensive of this programing record. On the contrary, we are extremely proud of it.

In the area of children's television advertising, I can point to similar evidence of our continuing commitment to responsible broadcasting. Children's Advertising Guidelines, drawn up by the National Association of Broadcasters have been revised—and revised extensively—several times in the past 5 years. These revisions have had far-reaching effects on our industry, and reflect changing needs and new perceptions.

In 1970, the NAB revised the Toy Advertising Guidelines to prohibit overglamorizing of toys and to insist on disclosures of facts such as that batteries are not included with a toy. Other changes the same year restricted the use of stock film, of real life counterparts of toys and of the use of spokesmen or endorsements by persons or actors identified with the real life counterparts of the toys.

In 1971, CBS issued its own additional requirements that tightened the clearance procedures for toy commercials. For example, we decided that no final network approval could be given for a commercial on the basis of the storyboards alone, that the commercial itself had to be reviewed.

In January 1972, CBS prohibited children's program hosts and primary cartoon characters from delivering commercials or endorsing products when leading into commercials. A similar industrywide provision went into effect the following January. Also in 1972, the NAB established rules for premium advertising, including a time limitation on the premium segment of a commercial.

In 1973, the NAB adopted the Children's Television Advertising Statement of Principles to the Television Code. This included positive admonitions to people involved in creating advertising designed primarily for children. Among the points covered in that statement were the following:

Children's television advertising shall not direct children to purchase a product or to ask an adult to buy it for them.

Commercials for products such as snacks and candies shall not suggest excessive use of the product.

Breakfast cereal ads shall include at least one reference to the role of the product within a balanced diet.

Also in 1973, over-the-counter medication commercials—such as those for vitamins—were removed from children's television.

Broadcasters have been most cognizant of the problems involved in advertising to the younger audience. Last year, for example, some 2,550 children's television commercials were submitted to CBS. Of these, approximately 1,300—more than half—were sent back for revision, and more than 500 were never approved in any form.

While improving program content and tightening advertising standards, broadcasters have also made sizeable reductions in the amount of advertising time on children's weekend television.

In 1973, the NAB reduced nonprogram time from 16 minutes an hour to 12. This year, it was cut further, to 10 minutes an hour. On January 1, it will be reduced to 9 minutes and 30 seconds. This is a reduction of more than 40 percent in nonprogram time in the last 3 years. Meanwhile, the cost of production of each children's television episode is rapidly approaching primetime costs.

One cannot, of course, improve programing, raise advertising standards and slice 40 percent of revenue-producing time without either cutting profits or program quality. But we have not cut quality; we have raised it.

Despite charges from some that broadcasters are interested in nothing but maximizing profits, children's television has declined in recent years from a highly profitable area of activity at CBS to a marginal undertaking. The reduction in commercial minutes, our refusal to accept the advertising of certain products that we formerly accepted, the flight from television of some advertisers who no longer wish to be the targets of what they deem to be unfair criticism—all this has been costly to television and to CBS in particular.

I fully recognize that there are those who sincerely feel that all these efforts in the children's area are not enough. I am referring to individuals and groups who suggest that the guidelines we now impose on programing and advertising on Saturday mornings should extend literally to any time period when children are watching in substantial numbers. However, there are substantial numbers of children viewing at all times of day and night.

As you know, this fall the television industry will introduce family viewing. The first hour of network primetime television—and the hour immediately preceding it—will feature programing suitable for viewing by the entire family. A precise, unchanging definition of programing suitable for family viewing is neither as important nor as useful as the heightened awareness of broadcasters that special considerations apply to programing in the early evening hours.

Broadcasters have pledged that in family viewing, they will treat any subject matter through language, situation and action in a manner unlikely to be offensive to parents and children watching together. It is a recognition of family sensibilities in connection with television.

In fact, the number of young viewers is at the high point of the day during what will be network family viewing time. From 8 to 8:30 p.m., there are 14.7 million children between the ages of 2 and 11 in the television audience. From 8:30 to 9 p.m., the number falls slightly to 14.1 million.

However, if we look at the numbers of viewers in that same age bracket—between 2 and 11—for the rest of the night we find decreasing but still sizeable audiences.

From 9 to 9:30 p.m., there are 11 million children still watching.

From 9:30 to 10 p.m., the number is 9.7 million.

From 10 to 10:30 p.m., there are 6.8 million children in the audience.

From 10:30 to 11 p.m., there are 5.6 million children in the audience.

From 11 to 11:30 p.m., the number drops to 2.9 million.

From 11:30 to midnight, the number is a little smaller—2.1 million.

From midnight to 12:30 a.m., the child audience is 1.4 million.

From 12:30 a.m. to 1 a.m., there are still 1.1 million children watching television.

The number doesn't fall below 1 million until 1 a.m., to 1:30 a.m., when only 743,000 children between the ages of 2 and 11 are watching television. The low point is 1:30 a.m. to 2 a.m., 435,000 children.

Looked at another way, between midnight and 2 a.m., almost 1 million children between the ages of 2 and 11 are watching the average minute of television.

Is the entire broadcast day to be tailored to take into account this young audience? Are we to offer suitable programs and acceptable commercial announcements because young children are in front of the television set at 10 or 11 p.m., or midnight, or even 1 a.m.?

Television has been blamed for many things, but we should not be charged with the responsibility of being the third parent in any household because of the real or imagined impact of any program or commercial on a young child, when the parents allow a child to view television literally around the clock.

I would also like to raise some serious objections to focusing on television, as if it were the only source of entertainment and advertising for children.

My first objection is the obvious one: The discriminatory approach that finds broadcasters under attack while other media escape unquestioned and unscathed.

My second objection is a more pragmatic one. In spite of its pervasiveness, there is no rational basis for distinguishing between television and other media with respect to the advertising of products and services to children, for television is not the only source.

I would like to point out that a substantial majority of children under the age of 12—about 80 percent, based on information at hand—read comic books with some degree of regularity.

A similar number—83 percent—of children under 12 read Sunday newspaper comics each week. And the best available estimates show that between 60 and 90 percent of children under 12 are regularly exposed to a variety of magazines, including publications designed for adult audiences.

There is no question that young children not only read these publications, but that they also look at the ads. For example, a recent study showed that 28 percent of 6- and 7-year-olds read the ads in comic books, as do 48 percent of 8- to 10-year-olds and 43 percent of 11- and 12-year-olds. The figures are comparable for newspapers and magazines. In fact, to the question "do you ever read or look at ads in newspapers," 14 percent of the 6- and 7-year-olds, 32 percent of the 8- to 10-year-olds and 52 percent of the 11- and 12-year-olds answered yes.

I commend to this committee and to the consumer advocates a study of the advertising contained in other media. They, too, carry the advertisements for soft drinks, snacks, presweetened cereals and other products that one finds on television. But they also carry the ads that we do not, such as those for knives, air guns, slingshots, and hypnosis kits. And newspapers and magazines also carry ads for over-the-counter medications, for cigarettes, for hard liquor.

It seems to me, therefore, that unless one advocates the total elimination of advertising of certain products in all media, children cannot be—and will not be—shielded from it. The advertising message is there for all to see, young and old.

That brings me to my final objection. If a product is indeed hazardous or potentially injurious, why not ban the product entirely or at least all—not merely a portion—of its advertising? Surely, the cigarette experience is fresh enough in our minds to remind us all that simply barring a product from radio and television advertising will mean neither the death of that product nor a diminution of its use, so long as other media are available to carry the advertising and the product remains available.

Broadcasters stopped carrying cigarette advertising on January 2, 1971. Immediately, cigarette advertising in newspapers and magazines and on billboards increased from $65 million in 1970 to $168 million in 1971, an increase of 160 percent. Last year, that advertising reached $222 million, or 243 percent more than was spent in the same media in 1970. And cigarette consumption has increased 11.9 percent over the last full year of broadcast advertising.

Mr. Chairman, I do not have to tell you that Congress never meant broadcasting in this country to be a nonprofit venture and your opening remarks reflected that. A half century ago, at the birth of broadcasting, Congress made the conscious decision that the American system of broadcasting would be a commercial one, supported by advertising. With their continuing support of radio and television, the American people have reaffirmed this decision down through the years. Yet those who would continue to reduce and ultimately eliminate advertising, under the guise of one social theory or another, would fundamentally change this system.

I would remind this committee that only 18 months ago, a group of consumer advocates presented its proposals to the Federal Trade Commission. The introduction in the original version said: "The undersigned consumer representatives believe that all advertising in or near television programs designed for children should be discontinued." I'm not sure what near means, but it is clear that the end of advertising is the ultimate goal. And with the end of advertising will be the end of broadcasting as we know it.

In a recent Roper study, 63 percent of the adults polled had no objections to commercials in children's television. Among parents, the figure was even higher: 66 percent. That's the public view—a nonelitist, practical approach to the question.

No other medium has so conscientiously and responsibly regulated itself as broadcasting. And broadcasting has demonstrated that it can be trusted, that it will keep its promises, that it does and will act in the public interest.

Mr. MACDONALD. Thank you, Mr. Schneider.

As always this pragmatic Member of Congress would like to take issue with some of the things you said.

First of all, I would like to clear up in my own mind what you mean in stating that there is some misunderstanding about what you have said and that I have misquoted you. I have a copy of a speech that you gave on May 14 to the CBS television network affiliates.

Mr. **Schneider.** Mr. Chairman, I stand behind everything contained in those remarks. I was referring to some other things you indicated were my positions.

Mr. **Macdonald.** Let's take one thing at a time.

Mr. **Schneider.** Certainly.

Mr. **Macdonald.** There, you said that your profit for Saturday and Sunday morning children's television programs had decreased by 8 percent. That is what I said you said.

Mr. **Schneider.** Yes, but you also characterized that I was in favor of 14 commercial minutes per hour and referred to my opposition to the Code position. I am not in opposition to the Code position, nor am I in favor of 14 commercial minutes per hour and I am prepared to address myself to that.

Mr. **Macdonald.** Could you tell us, and I would, for one, be happy to know, what you think the number should be since it has gone down from 14.

Mr. **Schneider.** It has gone down from 18 and next January it will be 9½.

Mr. **Macdonald.** Do you think 9½ is enough?

Mr. **Schneider.** I think 9½ minutes is at a level that will, in representing the positions of my company, make children's television a marginal operation for CBS.

In the remarks you just quoted, when it was at a higher level children's television was profitable for us. I am representing that Captain Kangaroo is not profitable for us and has not been for several years. As we reach the level of 9½ minutes—we are now at 10 minutes—at the level of quality we are now presenting, children's television is a marginal activity. I am not saying we are either going to reduce children's programing or eliminate it but I think for the record it is important to know that children's television of the quality and amount we are now presenting is marginal and that it had previously been profitable.

Mr. **Macdonald.** So you are happy with the new NAB restrictions?

Mr. **Schneider.** "Happy" might not be the proper characterization, but we are accommodating the NAB Code and we are members of the Code and we have representatives on the Code committee and we voted for this reduction.

Mr. **Macdonald.** May I ask you then what was your profit prior to cutting the number of commercials compared to now, when you say you are in trouble?

Well, no, you don't say that you are in trouble or CBS is in trouble overall. In fact, you are talking of your affiliates and stating what good shape you are in, and you probably are. But you also said children's programs were highly profitable in the past.

Mr. **Schneider.** That is correct.

Mr. **Macdonald.** And you are indicating that this is not true any more? What I am asking is what does highly profitable translate into in terms of money?

Mr. **Schneider.** I am sorry, Mr. Chairman, I am not prepared to tell you those hard dollar figures.

Mr. **Macdonald.** Could you please send that to us within a reasonable time?

Mr. **Schneider.** I would have to take it under advisement because we have never revealed the day part or any other profit information for competitive reasons. To the best of my recollection, we have never, in response to an inquiry, revealed that information.

Mr. **Macdonald.** I don't want you to do something that would either go against your grain, or that you have never done, nor do I want to ask you to do an unreasonable thing.

I thought it was a matter of public record. I know what you make personally is a matter of record because I have seen it in the newspapers, but how much did CBS make in the last year? It made more money than others.

Mr. **Schneider.** The corporation as a whole must reveal its profitability and under the SEC regulations the major businesses of a diverse corporation must reveal profits, but within those broad categories we do not break that data down for public consumption.

Mr. **Macdonald.** They are having secrets today on everything, but I don't want to get into this issue. If you don't think it is proper, I wouldn't insist. It is easy to say "We were making a lot of money and now we are not making any money. However, it does not really translate itself into anything that I can put my teeth into, not that I am trying to put my teeth into anything. It is just a figure of speech the way it comes out.

Mr. **Schneider.** I think my indication that something was highly profitable, or profitable and is now marginal, really conveys the information that I intended to convey on that occasion to our affiliates in a family situation.

In making the speech public, as we did, we conveyed that information to anyone else who wanted to make himself available to that information in that general way. Something being marginal means just that to me. It is marginal.

Mr. **Macdonald.** Well, what to one family is marginal is hardship to another, I would suppose.

Mr. **Schneider.** That is possible.

Mr. **Macdonald.** Not only possible, but very probable.

Mr. **Schneider.** Yes.

Mr. **Macdonald.** And I would like to make two points on your behalf. Number one, I agree and I tried to say so yesterday, that TV should not be used as a substitute mother.

I also quite agree with you if it is to be said, "There are children watching, therefore, we can only advertise children's products." I don't know if they watch around the clock, as you indicate. I have no way of knowing where you got your information, but certainly I could see where it could lead to a good deal of difficulty, and I have never been one that thought the family viewing hour is the answer to all of our present problems.

I suggest it is a good PR thing so the networks can use the family hour from 7 o'clock until, what is it, 9 o'clock here in the East?

Mr. **Schneider.** Yes.

Mr. **Macdonald.** But it is 8 o'clock in the Midwest.

Mr. **Schneider.** Yes; the living patterns are somewhat different in the Midwest.

Mr. **Macdonald.** You mean everyone in Chicago goes to bed at 8 o'clock?

Mr. SCHNEIDER. I was born and raised in Chicago and was in the broadcasting business for years in Chicago, and I have had available to me research information for Chicago, and I am just using it as an example. The fact is that living patterns are somewhat earlier in in the Midwest.

Mr. MACDONALD. I believe some living patterns are, but insofar as family viewing, I don't think the Chicago people go to bed any earlier than anyplace else.

Of course, I never lived there, so I am not setting myself up as an expert. I don't know how long ago you were a kid in Chicago.

Mr. SCHNEIDER. We can figure that out pretty well.

Mr. MACDONALD. I would think that times have changed a little bit.

Mr. SCHNEIDER. Let me say this about family viewing, because to remain silent would leave on the record the fact that I might be in agreement with you that the concept of family viewing is some sort of public relations project.

We can see by today's newspapers and we can see by the trade press, so you don't have to just accept my word for it, that the writers and producers in Hollywood are very, very upset with the concept of family viewing because the networks are engaged in quite a struggle with them to control the kinds of materials that are going to be broadcast as of September 9 in the hours preceding 9 p.m. I know that you feel that it is kind of a shell game.

Mr. MACDONALD. Well, you said it, I didn't, but I think "shell game" is going a little far. I just say "PR" and let it go at that. Maybe PR's are all shell games.

Mr. SCHNEIDER. No. Let's just say we can best investigate what family viewing is after it has been on the air for 4 or 6 or 8 weeks because at this point we are all speculating as to what it is and how it will be perceived, and we will have to wait and let the record speak for itself.

Mr. MACDONALD. Right. Another thing that puzzles me a little is your statement to the ACT group from Massachusetts, "The sooner they realize that children's television is a business, the better off they would be."

Mr. SCHNEIDER. I don't think I said it, and I didn't speak to the broadcasters in Massachusetts.

Mr. MACDONALD. No. This was the Action Group, and you told them, "The sooner they realized that children's television was a business, the better off they would be."

Mr. SCHNEIDER. I don't recall saying that.

Mr. MACDONALD. Well, I am not going to pin you to it because I was not there. But that surprised me a little bit inasmuch as it was my understanding that the president of CBS thinks that cutting back on children's advertising is a very good thing and that CBS should take a lead in this direction because it has led to better ratings for the network. I think that in general the children's programing on CBS should be No. 1 because they had better programs.

Mr. SCHNEIDER. Thank you, Mr. Chairman. I will accept that in just that form without further elaboration.

Mr. Macdonald. Permit me to ask this question: Do you think part of the dropoff in your profits in the children's market is that the other two networks have improved their children's programing?

Mr. Schneider. Yes, I think they have.

Mr. Macdonald. Yes. Well, I know they have, but do you think that that is one of the factors?

Mr. Schneider. Saturday morning is probably more competitive now than it was.

Mr. Macdonald. And that is attributed to the falloff of your profits; isn't that right?

Mr. Schneider. Yes; and we could spend a great deal of time on this. I don't know that it is in the best interests as to what you have in mind today, but the number of reductions and number of commercial units available for sale on Saturday morning has had a larger impact on CBS than on the other two networks because we were the audience leader.

Further, the reduction in number of commercials on Saturday morning also reduced the number of dollars being invested by advertisers on Saturday morning on all three networks. As my direct statement said, a number of advertisers found they just didn't want to put up with the "flak" on Saturday morning, so they took their advertising elsewhere. I am not pleading poverty, Mr. Chairman.

Mr. Macdonald. No; I know that. You would have to have the gut of a lion to plead poverty in behalf of CBS, not that you don't, but I mean "chutzpah" for it, I guess. Lions have "chutzpah."

Mr. Schneider. I don't think lions need "chutzpah."

Mr. Macdonald. I don't think CBS does either, but in any event this is the last question for this round because I know there are other questions that the others want to ask you.

Yesterday, Mr. McGannon gave us, or gave me anyway, and I think most members of the subcommittee, a new view of the affiliate network relationship, when he indicated that one of the big problems the local stations have is that they never get a crack at taking a look at what a program is going to be before it is actually on the air and also that that goes for advertising. Doesn't this ever get raised very much in the affiliate meetings?

Mr. Schneider. If that is what you were left with, I think it is an incorrect representation.

Mr. Macdonald. Well, sometimes you get a montage of things.

Mr. Schneider. No. We recognize the ultimate responsibility for every broadcast rests with the licensee. For that reason, our programs are previewed to affiliates through a closed circuit every night from 5 to 6 o'clock, really from 5:10 to 6:10, and for every series they see initial episodes.

Obviously, we can't preview everything because we are on the air so much, but all documentaries they see ahead of time and all special broadcasts they see ahead of time and episodes of series they see before the series starts.

Mr. Macdonald. I know about documentaries because they refused to run a few.

Mr. Schneider. So, material in a series that we think could be difficult or awkward or controversial, those are also seen in advance.

Mr. McGannon is asking for an advance look at material some 8 weeks before it is broadcast. Much material is not produced and indeed may not be written 8 weeks before broadcast.

Mr. **Macdonald.** Insofar as I know, I didn't ask yesterday for anything.

Mr. **Schneider.** He has been in discussion with us and we know what he wants and we can't give it to him.

Mr. **Macdonald.** About advertising, I would think the local station would be able to see what it is going to have to advertise.

Mr. **Schneider.** The advertising is not previewed unless it is part of a program and when we are previewing a program the advertising may or may not be included. But he should know that CBS, being a member of the code, that the advertising coming down the network to the station will certainly accommodate the code provisions.

Mr. McGannon has chosen not to be a member of the code for his own reasons.

Mr. **Macdonald.** He indicated his reason was that he didn't think the code was stringent enough.

Mr. **Schneider.** But all of the time that he is accepting network programing he is accepting code approval of commercials so he de facto is broadcasting mostly under the NAB code because the number of commercials and content of commercials have been screened by CBS to accommodate our standards and those standards of the code.

Mr. **Macdonald.** Well, do you think that advertising and the content of the programs should be treated any differently or treated exactly alike by the Government, for example?

Mr. **Schneider.** Should advertising and the program content be treated the same way or differently by the Government?

Mr. **Macdonald.** Yes.

Mr. **Schneider.** I really don't want the Government involved in the content of the program or the content of the advertising.

Mr. **Macdonald.** I believe that.

Mr. **Schneider.** So I mean that is where we both start.

Mr. **Macdonald.** I believe that completely. That is, you can do anything you want to, but everyone has a tendency to forget when you earlier discussed comic books and so forth, we have absolutely no control over the comic books. That would be up to the States, because the comic books are privately printed on private presses, and nothing that I know of that is in a comic book is in the public domain, whereas every time you use your broadcast facilities you are using public property.

Mr. **Schneider.** Well——

Mr. **Macdonald.** You say "well" as if maybe you are not?

Mr. **Schneider.** No, the whole first amendment differential between broadcast regulation and as the first amendment applies to print is a very long and very complicated discussion. I see Mr. Guthrie nodding.

Mr. **Macdonald.** He just got a "tic." He is neither nodding "yes" nor "no."

Mr. **Schneider.** I apologize, Mr. Guthrie.

The point is that Congress thought best to ban cigarette advertising on radio and television. That was what Congress chose to do and there it is, so cigarette advertising is not present on radio and television. But the purpose of that, I think, in the public health sector, was to reduce consumption of cigarettes in the public interest.

But that has not been achieved. So I would simply make the statement that if you wanted to eliminate advertising of cigarettes altogether, that might achieve the end. But to simply do partial surgery and take it out of radio and television would not provide the kind of protection to the public I thought the Congress was seeking at the time.

So if we make a rather linear extension of that and we want to say certain things should not be advertised to children on radio and television, unless we ban the advertising in all other forms that are used to reach children, perhaps we would be again coming up with less than a complete result than had been intended.

Mr. **MACDONALD.** But, as one who sat on a committee that came out with that bill, I don't think banning advertising on anything is going to stop people from smoking cigarettes if they feel like smoking cigarettes.

Mr. **SCHNEIDER.** Why were we banned from advertising cigarettes then?

Mr. **MACDONALD.** Well, because, once again, we had the jurisdiction, and we made them at least put on the words "the Surgeon General has determined that smoking is dangerous to your health," but, again, you are public property and Government licensed and I guess they figured they could do this.

Mr. **WIRTH.** Let me follow up on that. Thank you, Mr. Chairman.

I ask you, Mr. Schneider, would it have been more effective for the Congress and the broadcast industry to work out countercommercials related to cigarettes? It would appear there is a good deal of evidence that suggests the consumption of cigarettes dropped sharply and began to taper off as soon as the Anti-Smoking Act came into effect.

Mr. **SCHNEIDER.** I don't know how we will know for certain, Mr. Wirth, but it did appear when the countercommercial or the anticigarette commercials were on, the cigarette consumption was going down.

Mr. **WIRTH.** I mean, does that seem to you to be a good public policy thing to do, that we should have antismoking commercials and allow cigarette advertisements rather than taking cigarette advertising off altogether?

Mr. **SCHNEIDER.** I don't think we are going to get Humpty Dumpty back together again and I am not advocating that the cigarette commercials be brought back and countercommercials be bought back as well.

We have to go back to how they came on because the Commission ruled the fairness doctrine referred to commercials. They have since determined, in recent rulings, that the fairness doctrine does not apply to commercials so that the whole series of events that caused the anti- or countercommercials and subsequent removal, which were then the law, do not exist any more.

Mr. **WIRTH.** Forgetting the technicalities of the law.

Mr. **SCHNEIDER.** I don't know if that is wide of your point.

Mr. **WIRTH.** I think it is.

Mr. **Schneider.** I can't put myself today in the position of advocating countercommercials.

Mr. **Wirth.** I don't think we are picking on broadcasting, but broadcasting is in a different situation from the print media in that the airwaves are presumably owned by the public. And presumably there is an area of public policy and public interest, which can be determined by the Congress, by the Government, that it is in the public interest that people not smoke.

If that is the situation, then what we want to do is encourage people not to smoke either through raising taxes on cigarettes greatly or have counteradvertising and so on. Is that an appropriate function for us to be working together on, that kind of public policy issue?

Mr. **Schneider.** I don't know where we draw the line, to have you work with us on something that in one circumstance is determined to be in the public interest. Let me say this, that we are a journalistic medium as well as an entertainment medium and it is very difficult for us to be your partner half of the time. We would like to make our own determination as to what constitutes public interest, without a governmental review. Mr. Wirth, that comes across as being more hostile than I really wanted it to be. I don't intend that to be hostile.

Mr. **Wirth.** I appreciate that. It is a very, very difficult area, no question about it, where you draw the line. I would consider if we drew the line there on countercommercials on smoking, we would next get into what information the kids should receive in sugar commercials and I perceive in 4 or 5 years the amount of sugar consumed by children will be a major issue in the country. I assume if that is the issue where we draw the line it is a very tough one to draw for you.

I think that is the point. I don't interpret what you are saying as being hostile, but think it is a difficult area and one of the things we have to work together on, to get our heads around to this and that you probably agree with that. We have gotten great help from your people in Washington who have been straight and open in trying to address the issues.

Mr. **Schneider.** We talk to each other and address the issues and deal in fact, but I just don't know if we actually can be your partner.

Mr. **Wirth.** You know, then we get to the issue of the public airwaves and how they are used and what kinds of public policy issues the airwaves are used for.

That is a major issue that you would say you can't be a partner on and I think my instinct would be there are certain areas in which there is a natural partnership to be hammered out.

Mr. **Schneider.** To be hammered out. Then you and I are stuck with what happens when we disagree.

Mr. **Macdonald.** Will you yield?

Mr. **Wirth.** Yes.

Mr. **Macdonald.** It does not seem to me you are partners at all. You are a licensee.

Mr. **Schneider.** I am not advocating we be partners and that is what I was saying to Mr. Wirth. I can't be your partner.

Mr. **Macdonald.** I mean networks are not licensed, but they might be.

Mr. **Schneider.** I profoundly hope not. Are you suggesting we are going to be back together again shortly?

Mr. **Macdonald**. It could happen.

Mr. **Wirth**. If we might, Mr. Schneider, jump for a minute to the revenue issue. When you talk about strengthening the code, we had gotten a good deal of input as you strengthened the code on what advertising agencies in the toy area were doing. They were going around the code and going to local stations. A majority of toy advertising spending, about 54 percent, from the figures we recently received, are so-called spot or local advertising which is untouched by your policy and in many ways untouched by the NAB Code and thus a major shift has been going on away from the networks to spot advertising so that toy manufacturers are selling things in ways that would not be approved by you. Is that a phenomena that you are going through?

Mr. **Schneider**. The information I have is that some 60 percent of the stations subscribe to the NAB Television Code. While it leaves us with some 40 percent of the stations, the amount of viewing that those noncode members have is not 40 percent, but may represent something like 15 percent.

Putting it another way, the 40 percent of the television stations that are not code subscribers only have 15 percent of the audience. That does not mean that the 15 percent of the audience or the 40 percent of the stations are not taking noncode approved commercials.

Mr. **Wirth**. Putting it back to rationale, in 1974, for example, network toy ads were $38 million and spot toy ads $45 million; that was a decline in network toy ads of $3 million for that year and an increase of $12 million for spot ads. That would suggest to me maybe this conclusion is wrong, but would suggest that the vigilance of the network has been encouraging advertisers to go around the network into the spot advertising market and advertising there.

Mr. **Schneider**. Mr. Wirth, are you coming to that conclusion because you believe the spot ad is not covered by the code?

Mr. **Wirth**. I don't know whether it is or not.

Mr. **Schneider**. Yes; it is.

Mr. **Wirth**. It would all be covered by the code?

Mr. **Schneider**. Any station that is a member of the code, and 60 percent of the stations are, would be covered by the same kinds of restrictions on toy commercials as are the networks. The code applies to the station and the network and it applies for substantially more than children's advertising.

The Television Code, I believe, may have been misrepresented yesterday as applying only to children's television, and it does not. It applies to all television commercials.

Mr. **Wirth**. But there are 40 percent of the stations in the country not covered by the code, representing 15 percent of the revenue or 15 percent of the viewing audience.

Mr. **Schneider**. The viewing.

Mr. **Wirth**. Fifteen percent of the viewing audience, which jumps to the next set of questions we have all been beating around, and that is the nature of strengthening the code if problems were to appear. For example, looking at your move toward family viewing time in the evenings, will you be adjusting commercial structures for family viewing time at a time when most kids are watching television?

Mr. **Schneider**. No; we will not. We will be adjusting commercial acceptance for the 1 hour on Sunday night from 7 to 8 which, in the opening up of the prime time access rule by the FCC, specified that we could program on the network from 7 to 8 on Sunday provided the programing was designed specifically or primarily to appeal to children 2 to 12.

The program for children 2 to 12 will have the same commercial acceptance standards as our other children's programs, but the family viewing hour will not. The family viewing hour will carry whatever commercials we normally would carry in prime time.

Mr. **Macdonald.** But there are more kids watching television during prime time according to your testimony than any other time?

Mr. **Schneider.** That is correct, but they are watching not alone but presumably with their parents. We see a difference between those commercials and those that are designed specifically for children as the Saturday morning commercials are, and designed to go on programs where our audience research rather clearly indicates no parent is present. We think we have a special responsibility to the child who is there in front of that set looking at a program specifically designed for his attention span, age level, and so on.

Mr. **Wirth.** Is there evidence that that distinction should be made; is there research done on how a kid reacts to an advertisement if his parent is there or the parent is not there?

Mr. **Schneider.** I can't quote it. I think there is some information.

Mr. **Wirth.** Have you made a decision?

Mr. **Schneider.** The industry made the decision.

Mr. **Wirth.** But that decision is based on an instinct as to what ought to be done rather than evidence as to the way the children perceive the advertising?

Mr. **Schneider.** We believe that we have come simply to the short-term determination since family viewing is just beginning and we are feeling our way with it. We believe or we know when the parent is present, while large numbers of children are available to the set and indeed are watching between 8 and 9. They are not watching unsupervised but are part of a family unit, and that is what the programing will be designed for, and it will be in that atmosphere that the commercial will appear.

Mr. **Wirth.** That does still beg the issue of whether or not advertisements shown during family viewing time with the parent have less impact than where those same advertisements have been shown during children hours without a parent, right?

Mr. **Schneider.** I think there will be different products with different commercials.

Mr. **Wirth.** Sure. there will be because you can't advertise products such as aspirin during the early children's hours, so of course, there will be.

Mr. **Schneider.** I think that the audience composition will tend to make them more like Kellogg's commercials than they will for Sominex.

Mr. **Wirth.** More like Kellogg's commercials?

Mr. **Schneider.** Yes. For example, we see Kellogg's behind "The Waltons" because they get a whole family audience, which is what they want.

Mr. Wirth. You are following up on Mr. Frey's kids so as to get kids rapping on their parents to buy Applejacks with 50 percent sucrose.

I appreciate your being here, and I hope we have a further chance to go into this fascinating area. Thank you, Mr. Chairman.

Mr. Macdonald. Mr. Brodhead.

Mr. Brodhead. Thank you, Mr. Chairman.

Mr. Schneider, I reviewed your statement and you make certain comparisons between print media and television, but I think that you overlooked a number of the major differences.

You overlooked the fact that the print media are not or do not come into the home unless somebody makes a buying decision. An adult in the household makes a buying decision to bring that medium into the home; it does not exist in the home independently without an action by an adult in the household.

You don't make the distinction that the print media largely are black and white, talking about newspapers anyway, whereas TV is in color. TV also presents an idea of emotion and is very immediate. Also the packaging is different. TV packaging, which the commercial messages on children's Saturday and Sunday morning programs have, is very attractive.

You put forth the most attractive possible package and really wrap the package around the commercial, so it seems to me under those circumstances there are some major differences.

I would assume that the question of whether Congress has a right to address these issues has been resolved long ago and that it is clearly within our jurisdiction.

It seems to me that the fundamental issue is, the fundamental responsibility of Congress, in not only this area, but all throughout the constitutional authority of Congress, is to protect people who are not able to protect themselves.

I think when we talk about children we are talking particularly about a group that is not able to protect themselves. As a parent of a child of 6 who will be 7 this summer, I am particularly familiar with children's television programing and the problems contained therein. I know what a source of dissension in the home that this advertising really is. It creates needs in children and puts forth advertisements for products that really are useless and unworthy of purchase. Advertising stimulates that child to ask the parent to purchase these things.

Frankly, I am in a position where I am able to purchase things for my child, but it must be a terrible strain and a terrible cause of dissatisfaction in the home of a poor family to have these $15 and $20 things being pushed at the children.

I think that is the fundamental issue. How are we going to protect people from the power, the economic power of these giant industries and the giant networks, that can reach into people's homes and upset the children in this way?

I think that is the question we must address. I would like your comment on that, sir.

Mr. Schneider. Mr. Brodhead, I don't know where to start. Comic books are not an adult decision to purchase.

Mr. Brodhead. They are in my home, sir.

Mr. Schneider. Well, congratulations. I don't know where to begin in commenting on your comments. You have characterized the giant corporations as working with the giant networks, your terms, to invade the household and I simply don't see it that way.

Your perceptions of how we conduct ourselves are yours and I respect them but I disagree with them.

Mr. Brodhead. Well, you haven't said in what way?

Mr. Schneider. I just don't think that we power our way into your household.

Mr. Brodhead. 50,000 watts or whatever, 100,000 watts. It is a multi-multi-million dollar industry; isn't it, sir?

Mr. Schneider. Yes, it is.

Mr. Brodhead. Well?

Mr. Schneider. If you have a television set and it is on, there is programing available.

Mr. Brodhead. I will agree with that part of your statement. I think by and large it is good programing also.

Mr. Schneider. You indicated that you have great exercise of parental responsibility, such as the purchase of comic books being an adult decision in your household.

I should think that the kind of strong parental guidance and leadership you are exercising would clearly put you in a similar position to control not only the television viewing but the pressures from your child's peers on television and comic book advertising and Sunday supplement and all of the peer pressure from school. If there is a new yo-yo or new roller skate or bicycle, the stimulus for keeping up with the Jones among children comes from places other than television.

To say that television does not contribute to that would be silly. Of course it does, but it is not exclusively our responsibility.

Mr. Brodhead. I am not talking about what happens on the playground when the people around the corner buy a new bike and I don't see it. I am not laying that on you. However, when the toy companies come out with new toys, they are usually expensive toys. In some cases they are worthwhile, and in some cases they are not. You wrap them around some very good programing, some very attractive programing that, frankly, I think it is worthwhile for my child to see. You stimulate in him a desire that would not otherwise be stimulated. That is what I wish you would address yourself to and not what happens on the playground.

Mr. Schneider. I don't know what to say. "Do we stimulate wants in children"? Yes; we do.

Do you characterize that stimulus as irresponsible? If you do, on that we disagree. I don't know where we can go in this discussion.

Mr. Brodhead. I recognize it is useful for you and your industry to do it and that you need the revenues in order to put on programs. There is no dispute about that. But the decision that we have to make, I think, is whether that is socially useful. Is it in the public interest? We know it is in the interest of your corporation, but, surely, you would not contend that what is good for CBS is good for the country, would you?

Mr. Schneider. That line was used years ago and it has been held in ridicule ever since Mr. Wilson used it.

Mr. **Brodhead.** You know, the decision that I have to make, that we have to make is what is in the public interesct, not what is in the interest of CBS.

Mr. **Wirth.** Will you yield?

Mr. **Brodhead.** Yes.

Mr. **Wirth.** I think at this point it might be helpful to get on the record after your response a statement made yesterday in which you were quoted as saying by one witness, "We must recognize the enemy, they are the consumer groups who went to Washington and told the FCC they must put an end to all advertising on children's programing.

"There is no way to negotiate with such a militant group."

Maybe that is a way of phrasing or paraphrasing what Mr. Brodhead was driving at in terms of attitude toward groups that are very concerned about the consumer implications of what goes on, what plays in their living rooms or dining rooms.

Mr. **Schneider.** That statement is a quote from Variety, which in turn was a quote from something I said in an advertising conference for our clients. It is not a correct quotation, and it has been repudiated by me. Ms. Charren thought it was addressed to her and she continues to dine out on it and she is welcome to it.

Mr. **Wirth.** I thought it was good to have it in the record and clear it up and give you an opportunity to have your side presented.

Mr. **Schneider.** Ms. Charren and I know each other and she is a worthy advocate of her point of view and a worthy adversary to some of my points of view and that is okay. Thank you, Mr. Wirth, for trying to break the impasse that Mr. Brodhead and I regrettably seem to be stuck on.

I still don't know what you want me to say, Mr. Brodhead. I am sorry. Is it socially responsible for television to put on the air advertisements for toys which, in your opinion, are improper toys for children to have, or too expensive, and so on?

Mr. **Brodhead.** Clearly, they are too expensive for some people. That is an issue in and of itself. Millions of American families that see these ads simply are not able to afford these things and have to say "No." So you are stimulating needs that cannot possibly be fulfilled, assuming the toy is good, assuming it is worth the money, and assuming it would be good for the child to have it. There is no way it can be done.

Now, it is one thing to do it with an adult. People are supposed to be grown up and mature and understand those things, and they do. Certainly this Government ought not to be trying to protect people from that kind of thing, but it becomes particularly difficult with children. When a child sees a commercial for an attractive toy, a powerful desire is created. In 30 seconds the kid is over to you saying, "Dad, I want this" and then you have to explain to the child why he can't have it.

Mr. **Schneider.** I think you have raised a difficult point. On the one hand, I think we certainly couldn't put a price limit on something. I think it is responsible to advertise bicycles although 10-speeds are on sale now for $70 and I don't know what a non-10-speed is. I have not followed that lately. I think it would be proper for the Schwinn Bicycle Co. to advertise their bicycles on television.

On the other hand, from the point of view you advance here, having some doll on that might cost $20 might be too much for a doll to cost. But the difficulty we would have in going down this road is, would you limit the price of any toy that can be advertised on television.

Mr. **Wirth.** I think that maybe the basic issue that Mr. Brodhead is driving at is, do you have or do the networks or the advertising companies have an obligation to consider the content of what is being put on the tube, both in terms of how it is sold and what is being sold?

Do you have an obligation not only to consider how a product gets sold, so that it is not misrepresented, so you don't have the characters who are on the television show selling those goods, but an obligation to consider the substance of what is being sold, the educational value of that toy, the nutritional value of that breakfast cereal, or whatever?

Do you have any kind of obligation and, if you don't, does anybody?

Mr. **Schneider.** First of all, we do have the obligation to see that the product or series is not misrepresented.

Mr. **Wirth.** OK, we have been through that.

Mr. **Schneider.** We accept that responsibility.

Mr. **Wirth.** You agree with that?

Mr. **Schneider.** Yes. We do have the responsibility in the area of nutrition to see to it that the nutritional values, and here we are getting into misrepresentation again, because we don't want to say, "It is chock full of vitamins" if indeed it is not, but to say that "Cracker-Jack is what Cracker-Jack is." It is caramel syrup on popcorn and it has some caramel-covered peanuts and a prize. To say that Cracker-Jack has to have some redeeming social value is not what I think is our responsibility.

Mr. **Brodhead.** If the American Dental Association and the AMA feel that there will be millions of kids in our society that are being encouraged to overconsume a lot of sugar, which in the long term will be deleterious to them and the whole of society, in terms of their fundamental health much less the teeth, OK, that evidence comes in, as say the shocking evidence comes in, and that then becomes our obligation? Do you have an obligation to consider that evidence whether it is the Surgeon General or the American Dental Association?

Mr. **Schneider.** I think, if the product is legally manufactured, distributed, and sold, it should be just as legal to sell it and advertise it.

Mr. **Brodhead.** OK, but there are a lot of other things that are legally manufactured and sold.

Mr. **Schneider.** Yes; liquor is among them and guns are among them and so on and we address ourselves to the appropriateness of that advertising on television.

Mr. **Brodhead.** You do make the effort and you do set the precedent in terms of alcohol and guns, say.

Mr. **Schneider.** Yes.

Mr. **Brodhead.** Moving on to things where the shadings are more subtle, then maybe that line ought to be moved. If so, how should it be moved?

Mr. **Schneider.** I think we have acted responsibly in the past and as that evidence comes to us I have every confidence we will have a responsible response to that stimulus, but I can't predetermine it because it would be speculative.

Mr. Brodhead. I might ask one final question.

I guess what I am leading up to, and asking you if you can comment on it, Mr. Schneider, is a question which I regard as a fundamental question. Is it in the public interest to have any advertising at all on television during these discussion times when the largest number of children view television?

Clearly, your statement given to the committee establishes it is in the interest of the CBS television network for such advertising to be there. But what I am asking you is: Is it in the public interest?

Mr. Schneider. Obviously, if that is the course of action we have embraced, we think it is a responsible course of action.

Mr. Brodhead. But you don't care to say why?

Mr. Schneider. I think it is—why—well, I think it is a proper course of action.

Mr. Brodhead. But there is no reason why?

Mr. Schneider. If a product is in this situation.

Mr. Brodhead. In other words, is it good to have ads directed to children, and is it good for the United States of America?

Mr. Schneider. I think it is not bad for the United States of America and I think it is not bad for children.

Mr. Brodhead. Thank you, Mr. Chairman.

Mr. Macdonald. I would just like to say, Mr. Schneider—and I may be reading something into it, congratulating Mr. Brodhead on the comments he had on the comic books—I think you would be terribly surprised if you went to a place like Vietnam or on one of our aircraft carriers to see that the kids who have grown up in a television age like comic books, and it is a shock at first to see 18- and 19-year-old men reading comic books.

Mr. Schneider. I agree with you. That is my experience as well.

Mr. Brodhead was saying that in his household his child did not.

Mr. Macdonald. He didn't say anything about his household, but was talking about the city in which he came from.

Mr. Brodhead. I guess what I was saying was my child wouldn't go out and buy comic books probably because he lives so far from the store. I have to drive him there.

Mr. Macdonald. Plus the fact that even Mr. Brodhead doesn't have the money to buy that amount of comic books that he can watch on TV for nothing.

Mr. Brodhead. He doesn't have the money either.

Mr. Macdonald. You see, six at once.

Mr. Murphy?

Mr. Murphy. Mr. Schneider, it is a pleasure to have you here. I didn't get to the hearing yesterday because I was with the New York State Broadcast Association. I want you to know I spent a fascinating Saturday morning 3 weeks ago in a searching expedition to find a GI Joe with a blinking eye and a bionic arm for my 4-year-old and you had done such an effective job with children's advertising that the six stores I went to had been sold out; so I think the television advertising to children is certainly effective, and I think there might be a redeeming value to it and that would be the fact that if you had been away from your family for a week like many of us are, you at least get to spend a couple of hours looking for a toy or something with them.

Now, as an industry, have you done behavioral studies on these groups of children? In other words, the 3-and-below age group, say on the effects of not just advertising, because advertising as well as programing should be considered on those children?

Mr. SCHNEIDER. There are studies that are being done now, and that have been done with children as to how they respond to and perceive television.

The difficulty is, with children under 3, as you can readily see, they are largely inarticulate as to the kinds of things involved in the information we seek. Their literacy level is marginal. I guess technically under 3 they are preliterate. Their use of words and terms that have subtle connotations are nonexistent.

So the kind of research that has been attempted with children 3 and under is limited as to its results and I think largely has been limited as to the social scientists who have attempted that work, because of the difficulty to work with children under 3.

Mr. MURPHY. You talk on page 9 about real or imagined impact on people, children really. I think that the scientific studies I have read make it pretty clear there is not an imagined impact to programing or the commercial impact on children if we are going to talk just about children, but I think we pretty well know that we have real impact and that television has a tremendous effect on our society I don't think I understand, or maybe my generation of Americans still doesn't understand the full impact of television on our society and just what its real impact is. I can see or I would like to see studies that have been done on that sometime.

I would like to congratulate CBS and the industry on their self-imposed cutbacks and restrictions in exploiting children's time or advertising time during children's programing.

I would also like to voice the one objection that I had to it was not the advertisement, but when you brought in the bicycle commercials. It is good to advertise bicycles and other products but I don't think it was too wholesome to program a person on a bicycle trying to jump the Snake River Canyon. The consequent effect on the Nation was highlighted by a survey that I did, when I asked the public to give me results of that survey with a number of paraplegic children who tried to emulate that particular feat. That was not a commercial advertisement, but there was an inherent danger in that particular program and our FCC didn't bother to find out what the overall net problems of that program were, but I think it is wise that dangerous toys are not advertised during those programs for children's hours.

I think we are going to have to look a little closer at Mr. Wirth's legislation as far as setting up a commission to regulate an industry that already has a regulatory agency overseeing it, but I think restraint in the industry is something that is necessary.

Thank you, Mr. Chairman.

Mr. MACDONALD. Mr. Byron?

Mr. BYRON. I have one question of Mr. Schneider.

On page 7, you make the point that children's TV has declined in recent years from a highly profitable area to a marginal undertaking. Is it possible that as commercials are reduced that you would eliminate this all together?

Mr. Schneider. I think that we take the responsibility for offering a balanced and complete program schedule. Most of our news and informational broadcasts are not profitable, but we think it is our responsibility to offer news and informational broadcasts. We would continue under any circumstances to provide a children's service.

Whether it would be to this full extent, to the exact extent it is today, I can't say. But I offer as evidence that the Captain Kangaroo program now in its 20th year, has been a loss operation for CBS since 1972 and there has been no consideration of taking Captain Kangaroo off the air.

Mr. Byron. So you will continue with at least in a children's segment a particular time of the week?

Mr. Schneider. I said there would continue to be children's programing on the air as part of a rounded complete diversified program schedule.

Mr. Byron. Thank you.

Mr. Macdonald. I have one last question.

We have been on this a long time here and we appreciate your answering all these questions in the way you have, rather professionally. My question is, I think earlier you indicated that you were opposed to any regulation?

Mr. Schneider. Yes, sir.

Mr. Macdonald. Am I misstating you?

Mr. Schneider. Yes; I am opposed to more regulation or I would like less regulation whenever possible.

Mr. Macdonald. And therefore, you believe in self-regulation?

Mr. Schneider. I believe in self-regulation.

Mr. Macdonald. As set forth in the NAB Code?

Mr. Schneider. Yes, sir.

Mr. Macdonald. How can you live successfully under the code when, as I understand it, about 30 or 40 percent of all of the broadcasters in the United States do not subscribe to the code, and I know that here in Washington two of the five stations we have do not subscribe to the Broadcast Code.

What kind of self-regulation is it when you have just over half that are self-regulated and the others have absolutely no regulation?

Mr. Schneider. There are two things I would say about that, Mr. Chairman.

While some 60 percent of the broadcasters subscribe to the NAB Code, as I mentioned earlier, between 85 and 90 percent of television viewing is directed through or exists through those 60 percent. When you have three networks who are subscribers to the code and most of the major stations and station groups—and I know there are exceptions in the case of Westinghouse, but most of the major groups are subscribers to the Code—the leading stations are code subscribers, so you have 85 to 90 percent of television viewing under the code. I think that is a critical mass of self-regulation.

Second, the NAB, in an effort to expand code membership, has recently, in the past few months, made it mandatory to accept the code provisions and be a member of the code if you are going to be a member of NAB.

Mr. Macdonald. Will that drive people out of being a member of NAB?

Mr. SCHNEIDER. It is the belief it will broaden the representation of code subscribers.

Mr. MACDONALD. You don't think it will drive them out so that 40 percent might go?

Mr. SCHNEIDER. I don't believe it was the intention of NAB.

Mr. MACDONALD. I am sure it was not the intention, and I have no quarrel with the fact that the NAB is there because I think it does a good job for what it has been established to do. I think it does an outstanding job.

Mr. SCHNEIDER. One of the problems that kept some stations out of the code and some of the smaller independent stations——

Mr. MACDONALD. If I may interrupt because I have only a few moments.

Mr. SCHNEIDER. Sorry, I was trying to be responsive to your question.

Mr. MACDONALD. That is, with two out of five stations in the Nation's Capital not subscribing, that leaves a big gap to me.

Metromedia, as I understand it, is a nonsubscriber, and they are hardly small.

Mr. SCHNEIDER. I understand as you do that Metromedia is not a member of the code. I think action has been taken to get Metromedia into the code. It is my understanding the reason Metromedia would not be in the code is because they were operating independent stations and needed more commercials per hour than the code permitted.

They were not having trouble with the quality and content problems of the code, but rather the number of commercial minutes per hour.

Mr. MACDONALD. I am sure they needed a lot more commercials because of their outstanding programing, where you can watch "Flintstones" or the third run of "Hogan's Heroes"; and any rerun you ever missed at the age of 15, you can catch on channel 5.

So I know that they must need more commercials. Doesn't that strike you as being one of the worst excuses you ever heard for needing more commercials?

Mr. SCHNEIDER. Mr. Chairman, I don't want to characterize the conduct of another broadcaster.

Mr. MACDONALD. I think they have only two productions of their own, outside of maybe news that they put on. "Panorama," I guess, is their own, which is produced by themselves, and I can't think of any others.

The rest are all reruns of old movies—old, old movies—and old reruns of older reruns. You run out of "old" and what do they need more commercials for?

Mr. SCHNEIDER. I can't, I really can't comment as to the economics of Metromedia.

Mr. MACDONALD. Well, I don't see how you can have self-regulation?

Mr. SCHNEIDER. Well, the only response I can make to that if some 90 percent of the viewing is covered by the code, I think that the large mass of viewing is therefore responsibly self-regulated.

There is that 10-percent exception. I can tell you the industry is anxious to close that gap, that the NAB and its leadership are trying to bring more people into the code and that they changed their position in the last few months to further strengthen that activity. I could further state, sir, inasmuch as the NAB is a subsequent witness this morning, perhaps they can be more detailed in how they are going about increasing the membership of the code.

Mr. MACDONALD. Since there are no more questions, we thank you.

Mr. WIRTH. Before we close, I was wondering if I could have unanimous consent to leave the record open at this point for a number of other questions we had for Mr. Schneider, whom I found to be an impressive witness, which we would like to submit in writing.

Mr. SCHNEIDER. Thank you very much, Mr. Wirth, and we will be pleased to be as responsive as we know how.

Mr. MACDONALD. If you are not, of course, on proprietary questions?

Mr. WIRTH. There is nothing proprietary.

Mr. MACDONALD. That covers a multitude. I found out.

Thank you very much, Mr. Schneider.

[The following correspondence was received for the record:]

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 21, 1975.

Mr. JOHN A. SCHNEIDER,
President, CBS Broadcast Group,
New York, N.Y.

DEAR MR. SCHNEIDER: Thank you very much for appearing before the Communications Subcommittee last Tuesday. I regret, however, that time did not allow a sufficient opportunity to explore some questions raised by your testimony.

To complete our inquiry, it would be helpful to me and the other members of the Subcommittee if you could provide answers to a few additional questions. Chairman Macdonald has advised me that the hearing record will be kept open until August 4, so if you could submit your response to me by that date, I would be most appreciative.

1. Has CBS done its own studies with respect to the effects of product advertising on children? If so, what have they shown?
2. Are you aware of any studies done by the broadcast industry with respect to the effects of product advertising on children? If you are aware of such studies, what have they shown?
3. In granting network approval for commercials, what evaluation does CBS make of the products being advertised?
4. As a matter of policy, should the television industry test products being advertised as well as the ad copy?
5. What problems do you see with the NAB Code? How can it be strengthened?
6. Should some forum for communication be created between the broadcasting industry, Congress, the FTC, the FCC, and consumer advocates for the purpose of developing recommendations for strengthening the Code, if necessary?
7. What efforts has CBS made to work with consumer groups concerned about the effects of television advertising on children?
8. To buttress your testimony that CBS' revenues have decreased as a result of the reduction in the amount of advertising time during children's television programming, could you provide the Subcommittee with comparative profit figures?

Again, many thanks for your cooperation with the Subcommittee. We look forward to receiving your response.

Best wishes.

Sincerely yours,

TIMOTHY E. WIRTH,
Member of Congress.

CBS, INC.,
51 WEST 52D ST.,
New York, N.Y., July 31, 1975.

Hon. TIMOTHY E. WIRTH,
House of Representatives, Washington, D.C.

DEAR CONGRESSMAN WIRTH: I am pleased to respond to your letter of July 21, to provide information to supplement my July 15 appearance before the Subcommittee on Communications.

Since the hearings addressed the subject of children's television advertising, my replies to your questions are directed to the same area. However, I would like to point out that the subjects you cover—research, commercial acceptance, the National Association of Broadcasters Code and dealing with consumer groups—are not limited to children's television. They are equally applicable to all parts of the television schedule and are decidedly not restricted to the hours when children constitute the majority of the audience. Although I am commenting on those issues with regard to children's television advertising, you should be aware that activity in those same areas involves prime time, day time—in fact, any time when we are on the air. The CBS Commercial Clearance Department standards, for example, cover network and spot advertising; the NAB Code addresses a broad range of advertising; our research has also covered prime time broadcasts, and so on. In sum, we are touching on only one restricted area of broadcasting.

Following are my comments about your specific questions.

1. Has CBS done its own studies with respect to the effects of product advertising on children? If so, what have they shown?

CBS has to date undertaken no studies of its own into the effects of product advertising on children. Several years ago, we decided that CBS-directed research into the impact of television on pre-teenage children would be most fruitfully addressed to the programs—rather than commercials—broadcast to young audiences. This judgment reflected our belief that advertising was an area that would be (and in fact was already being) explored by researchers not directly affiliated with the broadcast industry. In contrast, studies addressed to CBS children's programming were far less likely to be undertaken by "outside" researchers and were, in any case, most effectively implemented by the entity most closely involved with their development—namely CBS itself.

From mid-1973, then, the bulk of CBS research funding in the children's area has been allocated to studies of the communication efficacy of pro-social themes in children's programming—an amount which to date has totalled more than a third of a million dollars. (I should note that in the past 10 years, the CBS Office of Social Research has committed approximately $1.5 million to this and other research involving the relationship of television to society.)

Our research has broken new ground in the development of interviewing techniques and study methodology in the children's programming area. It was through these studies that CBS was able to establish the success of the efforts to communicate pro-social messages in an entertainment format to the younger audience. I mentioned some of these programs and studies in my prepared statement. It should be recognized that not only were the program concepts new, but so were the studies that measured effectiveness.

CBS, of course, has been cognizant of the growing body of research pertinent to the children's advertising issue. It has been our policy to maintain continuing surveillance of developments in this field, and one of the important activities of the CBS Office of Social Research has been to collect, review, and integrate such research as it becomes available. (The appended list of studies pertinent to children's perceptions and reactions with respect to television advertising shows the efforts in this area.)

I should point out, too, that at this year's International Conference of the American Marketing Association, a member of the Office of Social Research chaired a major panel presentation on the subject of children's television advertising.

Beyond its surveillance function, CBS supports the activities of the two principal research agencies presently engaging in studies relevant to child-directed advertising. One of these, Marketing Science Institute, is affiliated with Harvard Business School, and much of the pioneering work done by Professor Scott Ward on children's perceptions of and reactions to advertising was carried out under the MSI aegis. In addition, CBS is a charter subscriber to The Child, a syndicated service of the Gene Reilly Group Incorporated, a Darien, Connecticut research firm. The Child conducts surveys at regular intervals among a nationwide sample of children and their mothers for the purpose of developing information bearing upon the marketing of child-oriented products and services.

2. Are you aware of any studies done by the broadcast industry with respect to the effects of product advertising on children? If you are aware of such studies, what have they shown?

The NAB has over the past several years funded two studies carried out by Dr. Charles Winick, professor of sociology at the City University of New York: one was a content analysis of child-directed advertising in Saturday morning children's programs in 1971; the other a not-yet-completed examination of how young children actually perceive television programs (and, to some extent, commercials as well) and how their perceptions differ from those of adults. Neither study, of course, is addressed to "the effects of product advertising" per se.

The important series of studies conducted by Robertson and Rossiter, of the Wharton School, on children's cognitive defenses against advertising (noted in the attached list) were funded in part by grants from the advertising community.

In addition, as noted earlier, the syndicated research service The Child is financed on a subscription basis by CBS and various advertisers. Here, however—and this is a point which applies to virtually all of the existing research in the field, whether industry-supported or not—the conclusions one reaches are based upon the replies of children (and/or their mothers) to survey questions or, much more rarely, upon direct observation of children's behavior. While the survey approach is certainly a useful one for determining perceptions of, attitudes toward, and opinions about advertising, it does not tell us—except in indirect and inferential ways—about advertising's actual effects upon children.

3. In granting network approval for commercials, what evaluation does CBS make of the products being advertised?

Although CBS carefully reviews all advertising, for legal and other considerations, I do not believe it appropriate that we function as a mini-FTC or FDA. We should not be considered an arm of the government in making our judgments about either the product or the validity of the claims made in the commercial announcement. However, we recognize our responsibility to our viewers to make sure that the advertising carried is neither deceptive nor misleading.

The Commercial Clearance Department of the CBS Television Network is actively involved in evaluating various aspects of products advertised. In the specific area of children's television advertising all toy advertisers are asked to submit a product sample, which is then examined for quality, performance, safety and durability. The commercial is then reviewed to determine the accuracy of claims and depiction of the product and its performance. All food and beverage commercials are reviewed by an editor who is a trained nutritionist. Her initial review begins with an examination of the product labeling to determine contents. The labeling is then used to determine the validity of the claims being made for the product. In addition, food and beverage commercials directed to children are reviewed with an eye to presentations which might show excessive consumption, bad eating habits or improper safety conditions. Samples of premiums are examined to assure that presentations of exaggerated quality are avoided. Product samples, package labeling or descriptive literature are requested in all cases to help evaluate claims.

4. As a matter of policy, should the television industry test products being advertised as well as the ad copy?

The NAB Code Authority often acts as a central clearinghouse for certain types of children's television advertising. In those cases, the Code Authority conducts product evaluation similar to that described for CBS in question 3.

5. What problems do you see with the NAB Code? How can it be strengthened?

I firmly believe that the NAB Code is the most effective means yet devised for self-regulating the broadcasting industry. The Code is not static; it changes and develops as our body of knowledge grows. The Code continually takes steps to formulate new guidelines and to revise those already in existence as warranted. The advertisers don't always agree with the industry's attempts at self-regulation. However, they recognize the fairness of rules that apply to all, and most advertisers have learned to live with those rules. The "problems" that you ask about are constantly being treated by the Code, just as revision of the Code is an ongoing effort.

6. Should some forum for communication be created between the broadcasting industry, Congress, the FTC, the FCC and consumer advocates for the purpose of developing recommendations for strengthening the Code, if necessary?

As I noted in my answer to question 5, the NAB Code is an effective means of self-regulation—it changes and develops when necessary. Broadcasters, and the Code, are responsive to comments from outside the industry. Indeed, consumer advocates and other concerned individuals make presentations at Code meetings.

I do not believe that an institutionalized "forum for communication," as you suggest, is either necessary or a workable concept.

As I said in my prepared statement, some of the leading consumer advocates that you refer to are the same individuals who told the FTC only 18 months ago that their dedicated purpose was that "all advertising in or near television programs designed for children should be discontinued." It is clear what sort of "strengthening" these people would seek.

But perhaps more important is the same point that I made at the hearings. We can't really be a partner of the Congress, or be a part of any such formalized forum. Advisory groups tend to take on a life of their own and know no bounds. It is safe to assume that any such forum discussions would broaden to include program content. Given the sensitive First Amendment issues involved in boardcasting, it would be most inappropriate to create an entity which will impact on broadcast content while including government representation. I firmly believe that the existing self-regulation approach is the best and most appropriate means to reach the end that you seek.

7. *What efforts has CBS made to work with consumer groups concerned about the effects of television advertising on children?*

CBS deal with consumer groups on a broad range of broadcasting topics, including television advertising to children. While we have no formal, structured arrangement for such contact, I can assure you that senior members of management—and others at CBS—meet or talk frequently with such groups as Action for Children's Television, the National Council of Churches and the United Church of Christ. CBS has also actively participated in the annual two or three-day seminars sponsored by ACT. I think that it is safe to say that our relations with these groups are excellent. Clearly there are disagreements—but there is a continuing dialogue.

8. *To buttress your testimony that CBS' revenues have decreased as a result of the reduction in the amount of advertising time during children's television programming, could you provide the Subcommittee with comparative profit figures?*

This same question was raised by Chairman Macdonald. I pointed out that we never reveal such information, for competitive reasons. Chairman Macdonald stated—and here I quote from the unedited transcript—"I don't want you to do something that would either go against your grain, or what you have never done, or I don't want to ask you to do an unreasonable thing."

Your questions, my answers and the hearings themselves point up the complexity of the issues involved in children's television advertising. I don't know that we will ever have a complete enough body of scientific evidence to answer all of your questions and mine. I am convinced, however, that broadcasters have acted responsibly within the framework of self-regulation, and that we will continue to do so.

Cordially,

JOHN A. SCHNEIDER,
President.

STUDIES OF CHILDREN'S PERCEPTIONS AND REACTIONS WITH RESPECT TO TELEVISION ADVERTISING

1. Ward, S., D. Levinson, and D. Wackman, "Children's Attention to Television Advertising." In E. A. Rubinstein, G.A. Comstock, and J. P. Murray (Eds.), *Television and Social Behavior*, Volume 4 Washington, D.C.: U.S. Government Printing Office, 1972.
2. Ward, S. G. Reale, and D. Levinson, "Children's Perceptions, Explanations, and Judgments of Television Advertising: A Further Explanation." In E. A. Rubinstein, G. A. Comstock, and J. P. Murray (Eds.), *Television and Social Behavior*, Volume 4, Washington, D.C.: U.S. Government Printing Office, 1972.
3. Ward, S. and D. Wackman, "Children's Information Processing of Television Advertising." In Peter Clarke (Ed.), *New Models for Mass Communication Research*, Vol. II, Sage Annual Reviews of Communication Research, Sage Publications, Inc., 1973.
4. Ward, S. and D. Wackman, *Effects of Television Advertising on Consumer Socialization*. Unpublished paper. (Marketing Science Institute: Cambridge, Mass., 1974).

5. Robertson, Thomas S. and John R. Rossiter, "Children and Commercial Persuasion: An Attribution Theory Analysis," *Journal of Consumer Research*, June, 1974.
6. Rossiter, John R. and Thomas S. Robertson, "Children's TV Commercials: Testing the Defenses," *Journal of Communication*, Autumn, 1974.
7. Robertson and Rossiter, "Canonical Analysis of Development, Social and Experiential Factors in Children's Comprehension of Television Advertising," *Journal of Genetic Psychology*, 1975, in press.
8. Disson, Stephen L., *The Effects of Television Advertising on a Child's Eating Habits & Control Over the Family Food Purchase.* Unpublished dissertation. Wharton School of Business, University of Pennsylvania, 1974.
9. Atkin, Charles, *Preliminary Findings from 1973 Children's Advertising Survey.* Unpublished manuscript, prepared for Office of Child Development, 1975.
10. *The Child, Volume III: The Child, the Media and the Message*, The Gene Reilly Group, Incorporated, Darien, Connecticut, 1974.

Mr. MACDONALD. We will start off, hoping to go as far as we can before the bells ring, and I for one can come back, and I don't know if others can, too but I hope so, to hear Mr. Jerome Lansner and Mr. John Summers of the NAB Code Authority.

Welcome gentlemen.

STATEMENT OF JOHN SUMMERS, GENERAL COUNSEL, NATIONAL ASSOCIATION OF BROADCASTERS; ACCOMPANIED BY JEROME G. LANSNER, ASSISTANT DIRECTOR, NAB CODE AUTHORITY

Mr. SUMMERS. Thank you, Mr. Chairman.

Mr. Chairman, I am John Summers, general counsel of the National Association of Broadcasters, whose headquarters are located at 1771 N Street NW., Washington, D.C. I am accompanied today by Mr. Jerome Lansner, assistant director of the NAB Code Authority, whose headquarters are located at 485 Madison Avenue, New York City. We appreciate the opportunity to present the views of the Code Authority on the subject of "Broadcast Advertising and Children," and regret that, because of health reasons, Mr. Stockton Helffrich, director of the Code Authority, cannot be here.

Mr. MACDONALD. When you see him, give him our regrets.

Mr. SUMMERS. I will.

The Code Authority is part of the broadcast industry's self-regulatory apparatus with responsibilities for the interpretation, implementation, and enforcement of the program and advertising standards contained in the Radio and Television Codes. The NAB Television Code is supported financially and in principle by all of the television networks and by approximately 60 percent of all on-air commercial television stations in our country. It is estimated by NAB research that, in a prime time half hour, the large majority of viewers, about 85 percent, are tuned to code subscriber stations.

Permanent Code Authority staff offices are maintained in Los Angeles, New York, and Washington to define, to interpret, and to help implement and enforce the code's programing and advertising standards.

The code has grown out of both the practice and experience of more than two decades. Its intent is to respond to manifest needs as they arise to the degree they can be crystallized and agreed upon in the context of a pluralistic, free enterprise, and democratically operated society.

The changes in code standards and policies that have taken place over the years, and continue to take place, are particularly significant in the area of children's advertising.

However, before discussing these children's advertising matters, it is important to establish the premise from which the code proceeds in treating this subject. Unlike some of its more vocal critics, the code does not take the position that advertising should be banned on children's programs. Our system of advertiser-supported broadcast programing cannot function effectively without the revenue derived from advertising—a point well recognized by the Federal Communications Commission in its 1974 Report and Policy Statement on Children's Television Programs. The code takes the position that while children deserve special consideration to prevent deception, manipulation, and other abusive advertising practices, they should not—and indeed cannot—be isolated from the real world in which we live. Advertising in all its known forms is an essential part of that world whether we like it or not. Roper polls taken in 1972 and 1974 verify public acceptance of this code position. The more recent poll indicates that by nearly 3 to 1, people believe it is proper to have commercials in children's programs, and significantly, the agreement rate among parents of young children is even higher.

Now let us discuss what the code has done and is doing in this area. About 14 years ago, children's toy ads began to appear on television in greater numbers than ever before. The code, at that time, had some broad standards relating to children's advertising in general. These standards required truth in claims, avoidance of the misleading, recognition of safety considerations, compliance with the law and, generally, a handling that reflects a sense of responsibility. [Television Code standards IX-2, IX-4, and X-2, attachment A.]

In 1962, recognizing the special considerations involved in this category of advertising and responding to criticisms of certain practices in toy ads, the Television Code Review Board promulgated the children's toy advertising guidelines. [Toy Advertising Guidelines, attachment B.] The Board also designated the Code Authority to serve as "central clearance" for all national children's toy commercials, a function it continues to perform to this day.

Mr. Chairman, I might add that in excess of 90 percent of all of the top ads submitted to the code for clearance have to be revised with one or more changes, and sometimes they are turned down completely, and that is the way the enforcement mechanism of the code operates. Contrary to what Mr. Choate said yesterday, we don't operate by throwing people out of the code, but operate by bringing commercials into compliance with the code and, therefore, serving the public interest.

In this "central clearance" capacity, the Code Authority reviews virtually all children's toy commercials scheduled for network or nationaly spot use to help assure their compliance with the myriad of code standards, guidelines, and interpretations governing this product category.

The commercials are reviewed both prior to their production, when in script and/or storyboard form, as well as after the final film or tape of the commercial is produced.

The detailed review procedure also includes obtaining a sample of the toy from the advertiser or its agency to allow for a close check to be made against its depiction in the commercial. Commercials in this category must be approved by the Code Authority prior to their scheduling on code subscriber facilities.

Since 1962, the toy advertising guidelines have been revised twice. Numerous clarifications and interpretations of the guides have been and continue to be issued as practices arise which are believed not to be in the best interests of children.

In addition to the toy advertising guidelines, between 1962 and January 1975, about two dozen substantive policies governing children's advertising have been issued by the code.

A description of some of these policies will help to throw more light on the overincreasing dimensions of broadcast self-regulation in matters relating to children's advertising.

CHILDREN AND SAFETY

As I indicated earlier, the code has for many years contained a provision requiring safety considerations in advertising depicting children. Code standard IX–4 precludes the use of children in any advertisement at any time of the broadcast day where the child is shown, without proper adult supervision, in contact with or demonstrating a product recognized as potentially dangerous to children. The April 1974 edition of the code's publication, Code News, contained an article on this provision—attachment C—citing numerous examples of ads which would not be acceptable under this standard. Thus, children may not be shown using or demonstrating such products as proprietary medical remedies, household paints, disinfectants, insecticides, and certain cleaning agents.

At this point I would like to speak briefly about the question of fireworks, since it was raised yesterday. We would not permit a fireworks commercial in any children's program or in any ad directed to children, however, we do have a provision which allows fireworks in other circumstances where they can comply with local laws.

Mr. **Macdonald**. In the District?

Mr. **Summers**. I am not familiar with laws in the District, but I would assume, Mr. Chairman, if commercials complied with local law and are not on a children's program or not directed to children, it would be permissible under the code, and it would then be a judgment for the station to make.

Mr. **Macdonald**. Even though the station is situated in the District, while technically in the District and a couple of them are almost in Maryland, their coverage extends into Virginia, where it is against the law to sell.

Mr. **Summers**. Yes.

Mr. **Macdonald**. And in Maryland where it is against the law to sell fireworks.

They are flagrantly ignoring the law.

Mr. **Summers.** I agree.

Mr. **Macdonald.** If you do advertise, as someone said earlier, I guess it was Mr. Frey, it is because you want to sell.

Mr. **Summers.** I would agree, and of course in that case it was not a code station and, as I understand, they intended to place these ads within a children's program and that would not have been permitted by the code. But it is moot because they are not subscribers. I think perhaps it is time that the code should take another look at the whole fireworks question.

HOST PROVISION

Children's program personalities or cartoon characters are proscribed from delivering commercials within or next to programs in which they are featured. The standard is applied even to lead-ins to commercials if the lead-ins contain sell copy or imply endorsement of the product by program personalities or cartoon characters. [Television Code standard X-4, attachment D.]

It might be of interest to point out that following adoption of the initial version of this Television Code provision, the Code Authority was used by AFTRA on behalf of a number of its members. The suit is still pending.

COMMERCIAL AND NONPROGRAM MATERIAL

In the area of allowable nonprogram material time on programs initially designed primarily for children under 12 years of age, reductions have taken place and are scheduled to take place. On January 1, 1973, the amount of nonprogram material allowed in children's programs scheduled between 7 a.m. and 2 p.m. on Saturdays and Sundays was lowered to 12 minutes per hour from 16 minutes per hour—a 25-percent reduction.

Two years later, on January 1, 1975, a further reduction went into effect affecting all programs designed primarily for children under 12 scheduled during any non-prime-time hour on Saturday and Sunday. The amount of allowable nonprogram material was dropped to 10 minutes per hour from 12 minutes per hour—a 16.7 percent reduction.

Another reduction is scheduled for January 1, 1976, when 9 minutes 30 seconds of nonprogram material per hour will be allowed in Saturday and Sunday children's programs.

In all, from prior to January 1, 1973, to January 1, 1976, nonprogram material in the subject programs will have been reduced almost 41 percent. On weekdays, nonprogram material in children's programs scheduled during nonprime time hours was reduced from 16 to 14 minutes per hour as of January 1, 1975 and will be further lowered to 12 minutes per hour on January 1, 1976—a total reduction of 25 percent. [Television code standard XIV-2-c, attachment E.]

I might say at this point, Mr. Chairman, these are maximums. There is nothing to preclude a code subscriber from having a more stringent standard for his own station, Mr. McGannon does this. He is not a code subscriber, but a code subscriber could certainly adopt for his own purposes a tighter standard.

I would also like to point out that Mr. McGannon's discussion of his code might have been confusing to the committee because he talked about pure commercial time. The code time standard is for nonprogram material and nonprogram material includes opening and closing sponsor identification, billboards, commercials, credits in excess of 30 seconds, and promotional announcements for other programs. So when you talk about these two codes it is like apples and oranges. We are talking about nonprogram material of which commercials are one element, and he is talking about pure commercial time.

Additionally, and in effect now for over a year, in children's weekend programing time as defined above, the number of program interruptions is not to exceed two within any 30-minute program or four within any 60-minute program—a 50-percent reduction from prior code standards. [Television code standard XIV-3-d), attachment F.]

Further, commercials, whether live, film or tape, within programs initially designed for children under 12 years of age are to be clearly separated from program material by an appropriate device; the sole use of a "fade to black" is not considered adequate to meet the letter and intent of this policy. [Television code standard X-3, attachment G.]

NONPRESCRIPTION MEDICATIONS AND VITAMINS

Also in effect for the last 6 months, the code has prohibited the advertising of any supplemental vitamin product on children's programs. And, in the case of an existing rule which disallows the advertising of certain nonprescription medications in children's programs, a tightening thereof indicates the rule is intended to include all such medications regardless of how taken or administered. [Children's advertising statement of principles No. 12, attachment H.]

PREMIUMS AND OFFERS

The toy advertising guidelines mentioned previously exemplify broadcast industry response to commercial problems which arise. Among other examples are the guidelines for premiums and offers in advertising directed primarily to children which became effective in the fall of 1972. These were issued to help assure that copy statements and production techniques used in premium/offer advertising depict the item involved in a straightforward, factual, representative manner, They incorporate applicable principles of the toy advertising guidelines and interpretations thereof. The code authority also provides clearance for all or virtually all children's premium/offer commercials, following the same procedures described in respect to our toy clearance activities. [Advertising guidelines for children's premiums/offers, attachment I.]

STATEMENT OF PRINCIPLES

Expanding upon concerns surrounding the advertising of toys and of offers in advertising directed primarily to children, the television code review board 2 years ago, with compliance called for no later than January 1, 1974, enacted a childen's television advertising statement of principles as an umbrella to existing advertising guidelines.

[Statement of Principles, attachment H.] These in turn were followed by a set of interpretations to clarify the letter and spirit of the statement of principles. [Interpretation of the statement of principles, attachment J.] These introduced among other things a greater attention to nutritional considerations in children's advertising and, generally, spread to other categories of children's products certain applicable code advertising principles.

With respect to the statement of principles, a further tightening was added just a year ago. Acting upon a code board recommendation, the NAB television board of directors reinforced and clarified existing policies relating to safety in children's advertising by incorporating new language into statement of principles No. 11. The provision, with new language emphasized, now reads:

> Advertisements and products advertised shall be consistent with generally recognized standards of safety.

This means, if you have an unsafe toy, it does not make any difference about your copy, you simply can't advertise it. In the foregoing observations an endeavor has been made to demonstrate—through the citing of specific examples which are spelled out in their significant details in pertinent attachments—exactly what the code is, with particular attention concentrated on what it is in regard to children.

It appears in order at the same time to stress for the record what broadcasters believe the code is not, particularly in respect to those special pleadings which do not necessarily reflect either a consensus of opinion or evidence generally supported among specialists.

Going in, it is essential to establish that the code board members and code staffers do not comprise a power elite contending that their position on any issue is, hands down, the position. Each situation generally has many ramifications and conflicting viewpoints about it which the broadcast self-regulatory mechanism attempts to resolve in a commonsense manner.

It is an effort to determine how the promotion of various products or services—including those for children—is best handled as distinct from responding to those who simply oppose the concept of advertiser-supported broadcast programing. And, finally, the code mechanism makes haste slowly. It cannot move faster than the necessary fact gathering and due process permit. That broadcasters see as a positive; where the establishment of new policies pertain, better right than sorry.

The broadcast self-regulatory effort has been, and increasingly is responsive to valid outside viewpoints as well as to broadcasters' own self-critical demands for improved professional standards. In terms of responsiveness, in fact, broadcasters aver that the broadcast self-regulatory effort has moved ahead substantially in the past few years. For example:

Code board agendas are made public appropriately in advance of meetings.

Appellants on various public interest issues have submitted position papers or appeared in person before the code board.

Standing subcommittees meet frequently on considerations affecting advertising in such categories as children's products, drugs, personal products, and the amount and placement of commercial material.

These procedures indicate significant flexibility inherent in broadcast self-regulation. At the same time—and the sometime frustrations of time-consuming procedures notwithstanding—such steady activity helps to guarantee a closer approximation to being reasonably on target in the outcome.

Certain areas of consideration involve responsibilities which the code can share but not fully assume. The code cannot usurp the role of parents, the school, religion, and other established institutions which shape our values and culture. Nor, for that matter, can the code replace the continuing role of advocates for change who, on their own, assume the job of articulating what they believe needs doing, especially since many of these articulations fall outside the ambit of the code authority.

The code as a mechanism of self-regulation has long served as a vehicle for orderly change. In earlier years it tended to derive from the initiative of broadcasters reacting to the assumed and sometimes spelled-out expectations of their audiences. Today broadcasters continue through the code to indicate the areas where they believe ground rules may be needed to best serve their audiences. We in the self-regulatory apparatus also increasingly hear from outside and governmental sources on issues about which they feel strongly. These are always given careful consideration and not infrequently lead to changes in code standards. Because of the expectations of viewers, Government representatives, advocates, and broadcasters are zeroing in on more complex and sophisticated areas, the suggestions from any source clearly must be scrutinized to help assure that our industry's voluntary program of self-regulation continues to advance.

Thus the code comprises a logical vehicle for the improvement and strengthening of professional broadcast standards. It can and should be used constructively by those who recognize the value in our lives of broadcasting and broadcast advertising and who with broadcasters seek every feasible avenue available to improve broadcasting's tremendous service to the public.

In announcing these hearings, Chairman Macdonald said in part, "This is an extremely complex issue, and I am well aware that there are no easy solutions." The code authority certainly shares that view. We also believe that broadcast self-regulation has, with steady pace, responded positively to issues involving children's advertising and has been strengthened substantially over the years. If indeed past is prologue to the future, as the code authority believes it is in this situation, this industry will continue to expand and act, with responsible judgments, upon the even more involved and difficult issues that are sure to arise in the years ahead.

I have a couple of points now I would like to make in terms of yesterday's testimony, and I have to clarify the record.

First, as Mr. Schneider indicated, there were allegations that the code's children's provisions apply only to so-called children's programs and that this represents only about 10 percent of children's viewing of television. That simply is not so.

As indicated in my statement, both the toy guidelines and the premium guides apply to not only all children's programs—all ads on children's programs—but also apply to all ads anywhere during the broadcast day which are directed to children.

Also, on the question of safety, as I indicated, children cannot be used in ads for dangerous products, and they can't be shown demonstrating these products. And that provision applies across the board to the whole broadcast day.

On the statement of principles, at the present time the statement of principles applies only to children's programs, but presently the code is considering expanding the reach of those principles beyond just children's programs to any ad which is directed to children in any other program or any ad which advertises a product intended for children.

Also, on the question of time standards, while it is true that the time standards that I just reviewed apply only to children's programs, it is also true that all evening prime time programing is subject to the same time standard, 9½ minutes. So the allegation that the top 10 programs that children view, in terms of total number of children viewing, are not covered by the time standard is not so, because eight of the programs are in evening prime time where the time standard is 9½ minutes of nonprogram material. The other two are on Saturday, which is also 9½ minutes, so it is a moot question. They are all subject to 9½ minutes in either event.

The other point relates to the question of the relationship of child poisoning to adult ads for what might be termed "dangerous products." Yesterday, the committee seemed concerned about obtaining information about the history of poisonings of children prior to the advent of television. We did a lot of work on this last week, and we found prior to 1940, there were only two books written on the subject of poisoning, and only one of the books related to the question of poisoning of children. That was a book called "Poisoning and the Public," written by Russell C. Erb, copyrighted in 1937 by Dorrance Publishing Co. of Philadelphia.

If I may, I would like to read a paragraph from page 184 of Professor Erb's book, and I quote:

> Some of these household materials are dangerous while being excessively handled during their intended use. Others, because of their close resemblance to foods and drugs, are mistakenly ingested with harmful consequences. Children, too, taste things not on the orthodox lists of foodstuffs. There have been many instances where caustic soda has been mistaken for sugar or salt or some equally edible substance. That not enough care is exercised in properly keeping poisonous materials in the home, is revealed in reports of over 500 children 5 yars of age or less dying from poison every year.

Now, that is 500 children in 1937, a rate of 500 dying every year. The rate today, as revealed in publications of the National Clearinghouse for Poison Control Centers, in 1970—and those were the latest figures available on the mortality rate—was 226 as contrasted with 500 in 1937 when we had no television whatsoever.

Dr. Crotty of that Center, in a conversation this morning told me that the latest figure, which is for 1973 and which he has gotten informally from the National Bureau of Vital Statistics, is only 146, so there has been a definite trend in reducing the mortality rate of children.

Mr. MACDONALD. This may be a good point to break off for us to go to the floor.

Mr. WIRTH. Are you going to reconvene this afternoon?

Mr. MACDONALD. I thought we might come right back now.

Mr. Wirth. Mr. Brodhead has to be on H.R. 7014, the Commerce Committee energy bill, which starts right away. We will have to be on the floor for that.

Mr. Macdonald. We will work it out.

[Brief recess.]

Mr. Macdonald. The subcommittee will come to order.

Mr. Summers. Thank you, Mr. Chairman.

I think this is a very important point, and I want to elaborate on it a little more. As I indicated, Mr. Erb's book indicates in 1937 there were 500 deaths among children 5 years or younger from poison, and in 1970 we had something like 226 deaths.

I think the point is even more compelling when you consider the population in 1937 was 129 million people, and in 1970 the population was 204 million people. And also you have to consider the fact, and I think it is an accepted fact that today, there are a much greater number of dangerous substances maintained in households than in 1937. And yet we have this great variance, 500 deaths in 1937 as contrasted in 1970 with 226. And, if Dr. Crotty is correct, the figure is down in 1973 to 146.

I submit if TV has had any impact at all in the area of poisoning, the impact is just the opposite of that maintained by Ms. Charren and Mr. Choate. I suggest if there is an impact, the impact has been to partially at least help reduce the number of poisonings through the educational role that TV plays in the household.

In children's programs, they are often reminded not to drink poisonous substances and so forth.

Mr. Macdonald. Mr. Summers, does this mean taking it or dying from it?

Mr. Summers. Well, we have this situation.

Mr. Macdonald. I was thinking maybe medical science has improved a good deal over that period.

Mr. Summers. There is no question that is a factor, Mr. Chairman.

I suggest there are numerous factors involved, but all I am saying is, I think if you have to consider the role of television I think these figures indicate it was not a detrimental role, but one of education which might have helped the total process in reducing the number of deaths.

I also would take objection to Mr. Choate's statement, and I think I am quoting correctly, "That children are solicited by highly seductive ads for products which contain warnings."

We don't know of any of those ads, and I would submit in Mr. Choate's huge pleadings before the FTC and FCC, and in his statements before the committee, he has not referred to one of these seductive ads, and I think we would like to see them because if they exist we would like to do something about them.

I agree, of course, also with Mr. Schneider that if there is a problem and there is no evidence that there is, it can't be attacked in a few isolated programs, but it has to go across the whole broadcast day. And we have figures that also show there are a tremendous number of children viewing television late in the evening, but I won't go into those because he covered it very well.

Lastly, very briefly, I think it would help to clarify the record to understand that while 85 percent of prime time viewing is of code stations, the code's reach is even greater than that for this reason. National advertisers do not produce spot commercials for noncode subscribers. They simply cannot afford to do that. The production costs are too high, so that every national spot ad, whether it is viewed by the public on a noncode station or not, has actually been either cleared by the code or subject to code scrutiny. So the reach of the code is much greater than just 85 percent of the viewing audience.

Also, in answer to Mr. Wirth's inquiry about the move of some segment of toy advertising from network television to national spot advertising, I think the reason is rather obvious. The changes in the code's time standards have reduced the network's inventory and they simply don't have as much time for toy commercials. Those people have to go elsewhere, and that is using national spot by going directly to the station.

Thank you very much, Mr. Chairman.

[The attachments to Mr. Summers' statement follow:]

ATTACHMENT A

TELEVISION CODE STANDARD IX-2

A commercial television broadcaster makes his facilities available for the advertising of products and services and accepts commercial presentations for such advertising. However, a television broadcaster should, in recognition of his responsibility to the public, refuse the facilities of his station to an advertiser where he has good reason to doubt the integrity of the advertiser, the truth of the advertising representations, or the compliance of the advertiser with the spirit and purpose of all applicable legal requirements.

TELEVISION CODE STANDARD IX-4

Representations which disregard normal safety precautions shall be avoided. Children shall not be represented, except under proper adult supervision, as being in contact with or demonstrating a product recognized as potentially dangerous to them.

TELEVISION CODE STANDARD X-2

The role and capability of television to market sponsors' products are well recognized. In turn, this fact dicates that great care be exercised by the broadcaster to prevent the presentation of false, misleading or deceptive advertising. While it is entirely appropriate to present a product in a favorable light and atmosphere, the presentation must not, by copy or demonstration, involve a material deception as to the charactertisics, performance or appearance of the product.

[ATTACHMENT B]

[From the National Association of Broadcasters Code Authority Toy Advertising Guidelines—Third Edition—January 1, 1975]

Children, especially pre-schoolers, are highly dependent on the guidance and direction of the adult world around them—television included—for their individual development. Since younger children are not in all situations able to discern the credibility of what they watch, they pose an ethical responsibility for others to protect them from their own susceptibilities. Recognizing this, the Code Authority of the National Association of Broadcasters issues the second edition of the Toy Advertising Guidelines designed to assist manufacturers, their agencies, and broadcasters in the preparation and evaluation of radio and television commercials.

I. DRAMATIC REPRESENTATION

A. SEEK

1. To place the toy in a framework of a play environment performing in a way accurately representing the toy.
2. Movements and setting for the toy which a child is reasonably capable of reproducing.

3. To employ the complete and authentic sound(s) of the toy.

4. To employ actions and encourage habits that are consistent with generally recognized standards of safety.

B. AVOID

1. Demonstrations, dramatizations or use of animation that show the toy in a manner that is not authentic.

2. Demonstrations suggesting attributes not inherent in the toy as purchased.

3. Dramatizations from real-life staged without clearly qualifying their relationship to the toy.

4. Overglamorization of the product via large displays, dazzling visual effects, stock film footage, sounds of the toy's real-life counterparts, whether in real-life simulation or such devices as fantasy.

5. Dramatization of the toy in a realistic war atmosphere.

6. Dramatization which could frighten or scare children.

7. Demonstrations of a toy in a manner that encourages harmful use or dramatizations of children's actions inconsistent with generally recognized standards of safety.

II. SENSE OF VALUE

A. SEEK

1. To employ price only if it can be supported as the usual and customary price in a substantial number of retail outlets in the given trade area or areas where the advertising is scheduled.

2. To present the toy on its actual merits as a plaything.

B. AVOID

1. Representing the price of a toy in any amount which is not the usual and customary price in a substantial number of retail outlets in the trade area or areas where the representation is made.

2. Oversimplification such as "only" and "just" applied to the price of a toy.

3. Presumptions that a toy requiring a material investment can be had for the asking.

4. Appeals contending that, if a child has a toy, he betters his peers or, lacking it, will invite their contempt or ridicule.

III. METHODS OF PRESENTATION

A. SEEK

1. An approach to advertising which does not exaggerate or distort the play value of a toy.

2. To establish clearly what constitutes the original purchase of the toy, employing, when necessary, positive disclosure on what items are purchased separately.

3. Audio and video disclosure when items such as batteries needed to operate a toy as demonstrated in the advertising are not included.

4. Positive disclosure as to a toy's method of operation and source of power.

5. Positive disclosure when a toy requires assembling.

B. AVOID

1. Employing irritating audio or video techniques to demand the child's attention.

2. Any implication that optional extras, additional units or items that are not available with the toy accompany the toy's original purchase.

3. Costumes and props which are not available with the toy as sold or reasonably accessible without additional cost to the child.

4. Demonstrations which create the impression that a toy comes fully assembled when such is not the case.

[ATTACHMENT C]

[From Code News, published monthly by The Code Authority,
National Association of Broadcasters]

DEPICTIONS OF CHILDREN IN ADVERTISING SHOULD FOLLOW SAFETY TENETS

From time to time the Code Authority encounters safety questions with regard to the use of children in advertising and public service announcements.

Therefore, the Code Authority would like to remind its subscribers, as well as broadcast advertisers, other affected organizations and their agencies, that commercials in which children are present should be carefully reviewed for depictions which may raise questions of safety.

For example, children should not be shown playing unattended in a rowboat in the middle of a pond. The depiction could prove dangerous to those children viewing the commercial at home who might be encouraged to perform this type of unsupervised activity themsleves. Therefore, to avoid encouraging this type of unsafe activity in commercials depicting boating scenes, a parent or other adult guardian should be conspicuously present, either in the boat or, if appropriate, onshore in the capacity of supervisor.

In like fashion, it is not advisable to depict a child at play taking the temperature of a doll with a thermometer. Children should be encouraged neither to consider as playthings objects commonly found in medicine cabinets, nor to place potentially dangerous objects into their own mouths or into the mouths of peers.

Children should not be shown using or demonstrating such products as proprietary medical remedies, household paints, disinfectants, insecticides and certain cleaning agents. Products of this nature usually carry warnings such as "Keep out of the reach of children," and/or "poison." Depending on the situation involved in commercials for these products, children should either not be used or appear under strict adult supervision. (As of September 1, 1973, the Code Authority in its Non-Prescription Medications Advertising Guidelines states in section I–F: "The use of children shall not be permitted in presentations on behalf of non-prescription medications intended for adults. In advertisements for medications specifically formulated for children, the appearance of youth or children shall be present only in situations involving responsible adult supervision. Any such presentation shall avoid audio/visual approaches tending to capture the attention of children rather than adults.")

Another example of a potentially dangerous situation being set up in a commercial would be the depiction of a child playing with a toy telephone while in the bathtub. Such action might encourage a child to take an extension phone into the bath, thus risking the possible of electrical shock.

The Code Authority offers the above examples—by way of alerts—as guidance to stations, advertisers and agencies and asks that care be used to avoid depicting situations involving children which may raise questions of safety.

[Attachment D]

Television Code Standard X–4

No children's program personality or cartoon character shall be utilized to deliver commercial messages within or adjacent to the programs in which such a personality or cartoon character regularly appears. This provision shall also apply to lead-ins to commercials when such lead-ins contain sell copy or imply endorsement of the product by program personalities or cartoon characters.

[Attachment E]

Television Code Standard XIV–2–c

Children's Programming Time—Defined as those hours other than prime time in which programs initially designed primarily for children under 12 years of age are scheduled.

Within this time period on Saturday and Sunday, non-program material shall not exceed 10 minutes in any 60-minute period after December 31, 1974, and nine minutes 30 seconds in any 60-minute period after December 31, 1975.

Within this time period on Monday through Friday, non-program material shall not exceed 14 minutes in any 60-minute period after December 31, 1974, and 12 minutes in any 60-minute period after December 31, 1975.

[Attachment F]

Television Code Standard XIV–3–d

In children's weekend programming time, as above defined in 2c, the number of program interruptions shall not exceed two within any 30-minute program or four within any 60-minute program.

[ATTACHMENT G]

TELEVISION CODE STANDARD X-3

The broadcaster and the advertiser should exercise special caution with the content and presentation of television commercials placed in or near programs designed for children. Exploitation of children should be avoided. Commercials directed to children should in no way mislead as to the product's performance and usefulness.

Commercials, whether live, film or tape, within programs initially designed primarily for children under 12 years of age shall be clearly separated from program material by an appropriate device.

Trade name identification or other merchandising practices involving the gratuitous naming of products is discouraged in programs designed primarily for children.

Appeals involving matters of health which should be determined by physicians should not be directed primarily to children.

[ATTACHMENT H]

[From the National Association of Broadcasters Code Authority Statement of Principles—Second edition—January 1, 1975]

Because of special considerations for children, the following principles shall apply to all advertising designed primarily for children:

1. Broadcasters believe that advertising of products or services normally used by children can serve to inform children not only of the attributes of the product/service but also of many aspects of the society and world in which they live.
2. Everyone involved in the creation, production and presentation of advertisements to children has a responsibility to assure that such material serves a positive function and avoids being exploitative of or inappropriate to a child's still developing cognitive abilities and sense of values.
3. Creative concepts, audio or video techniques and language addressed to children, shall be non-exploitative in manner, style and tone.
4. Documentation adequate to support the truthfulness and accuracy of all claims and representations contained in the audio or video of the advertisement must be made available to broadcasters and/or Code Authority.
5. The disclosure of information on the characteristics and functional aspects of a product/service is strongly encouraged. This includes, where applicable, relevant ingredient and nutritional information. In order to reduce the possibility of misimpressions being created, all such information shall be presented in a straightforward manner devoid of language or production techniques which may exaggerate or distort the characteristics or functions of the product.
6. Given the importance of sound health and nutritional practices, advertisements for edibles shall be in accord with the commonly accepted principles of good eating and seek to establish the proper role of the advertised product within the framework of a balanced regimen. Any presentation of the relationship between an edible and energy must be documented and accurately depicted.
7. Any representation of a child's concept of himself/herself or of his/her relationship to others must be constructively handled. When self-concept claims are employed, the role of the product/service in affecting such promised benefits as strength, growth, physical prowess and growing up must accurately reflect documented evidence.
8. Appeals shall not be used which directly or by implication contend that if children have a product, they are better than their peers or lacking it will not be accepted by their peers.
9. Advertisements shall portray attitudes and practices consistent with generally recognized social values and customs.
10. Material shall not be used which can reasonably be expected to frighten children or provoke anxiety, nor shall material be used which contains a portrayal of or appeal to violent, dangerous or otherwise antisocial behavior.
11. Advertisements and products advertised shall be consistent with generally recognized standards of safety.
12. Non-prescription medications and supplemental vitamin products, regardless of how taken or administered, shall not be advertised in or adjacent to programs initially designed primarily for children under 12 years of age. (This prohibition does not apply to products which have been vitamin enriched or fortified in accordance with accepted nutritional principles.)

In addition to the preceding Principles, all advertising designed primarily for children is subject to review under the standards contained in the Television Code. The Principles also supplement established Television Code guidelines, interpretations and policies which relate to various aspects of children's advertising.

[ATTACHMENT I]

[From the National Association of Broadcasters Code Authority Advertising Guidelines—March 1972]

The Advertising Guidelines for Children's Premiums and Offers shall be applied to all advertising directed primarily to children which promotes premiums or offers.

1. The amount of time devoted to a premium or offer shall be a continuous segment and shall not exceed one half of the commercial or twenty seconds, whichever is less in length. If the premium/offer is related to and used with the product advertised, its incidental appearance in the product segment of the commercial will be permitted on a case-by-case basis.

2. The premium/offer shall at some time be displayed in a still visual presentation, so that it is clearly depicted.

3. In the premium/offer segment, the use of stock footage, real life counterparts, fantasy or animation is not permitted. In order to maintain continuity, the product spokesman may deliver a lead-in to the premium/offer segment, provided it contains no endorsement or sell copy for the premium or offer. Also for continuity, the voice-over used in the premium/offer segment may be that of the product spokesman.

4. Competitive, comparison and superiority claims for premiums/offers, measurable or unmeasurable, are not acceptable.

5. The number of items shown in a play situation shall not exceed two per child or a maximum of four with two or more children, unless the possession of more by one child can be reasonably supported by the advertiser.

6. Positive disclosure of special information, such as the price or separate purchase nature of the items offered, shall be made in the audio. As deemed appropriate, supporting disclosure simultaneously in the video will be required.

7. If any conditions are attached to obtaining a "free" premium or offer, all the conditions must be clearly and conspicuously disclosed simultaneously in audio and video. The appearance of the word "free" in a video super shall not exceed in size that of the conditions disclosed.

8. Toy Advertising Guidelines shall apply where applicable to all premiums and offers. The applicable Guidelines which have been re-worded to reflect their relation to premium/offers are:

A. Dramatic representations should seek:

1. To place the premium/offer in a framework of a child's environment performing in a way accurately representing the premium/offer.

2. Movements and settings for the premium/offer which a child is reasonably capable of reproducing.

3. To employ the complete and authentic sound(s) of the premium/offer.

4. To employ actions and encourage habits that are consistent with generally recognized standards of safety.

B. However, they should avoid:

1. Demonstrations or dramatizations that show the premium/offer in a manner that is not authentic.

2. Demonstrations suggesting attributes not inherent in the premium/offer as purchased.

3. Dramatizations from real-life staged without clearly qualifying their relationship to the premium/offer.

4. Over-glamorization of the premium/offer via dazzling visual effects.

5. Dramatizations which could frighten or scare children.

6. Demonstrations of a premium/offer in a manner that encourages harmful use or dramatizations of children's actions inconsistent with generally recognized standards of safety.

C. The commercial should seek to present the premium/offer on its actual merits, avoiding:

1. Oversimplification such as "only" and "just" applied to the price of a premium/offer.

2. Presumptions that a premium/offer requiring a material investment can be had for the asking.

3. Appeals contending that, if a child has a premium/offer, he betters his peers or, lacking it, will invite their contempt or ridicule.

D. The methods of presentation should seek:

1. An approach to advertising which does not exaggerate or distort the value of a premium/offer.

2. To establish clearly what constitutes the original purchase of the premium/offer, employing, when necessary, positive disclosure on what items are purchased separately.

3. Positive disclosure when items such as batteries needed to operate a premium/offer as demonstrated in the advertising are not included.

4. Positive disclosure as to a premium's/offer's method of operation and source of power.

5. Positive disclosure when a premium/offer requires assembling.

E. The methods of presentation should avoid:

1. Employing irritating audio or video techniques to demand the child's attention.

2. Any implication that optional extras, additional units or items that are not available with the premium/offer accompany the premium's/offer's original purchase.

3. Costumes and props which are not available with the premium/offer as sold or reasonably accessible without additional cost to the child.

4. Demonstrations which create the impression that a premium/offer comes fully assembled when such is not the case.

9. The use of certain production techniques in the premium/offer segment shall be restricted and conform with the spirit of interpretations and policies affecting toy avertising.

For example, existing Code interpretations which apply to premium/offer advertising are given below.

A. The use of certain video techniques raises concern under Premium/Offer Guidelines 8–A–1 (accurate representation of the premium's/offer's performance); 8–A–2 (movements which a child is reasonably capable of reproducing); 8–B–1 (demonstrations that are not authentic); 8–B–4 (over-glamorization via dazzling visual effects), and 8–D–1 (distorting the value of the premium/offer.)

These techniques include, but are not limited to, the use of camera angles, special lenses, heroic shots, special lighting, and similar production techniques. Their use becomes questionable when they distort the appearance or performance of the premium/offer such as size, distance, speed, and the like. For example, there should be no confusion and/or misrepresentation regarding the height of a building made with a construction set, the length of a track, the speed of a racing car, the amount of glitter attributed to a dress or jewelry, etc.

Visual representation should be such that they can be recreated by children. Special attention, therefore, should be given to the use of unusual video techniques in order to avoid misrepresenting the appearance and performance of the premium/offer.

B. The cumulative effect of audio and video techniques in the premium/offer segment of commercials may sometimes be strident and aggravating enough to result in their rejection under Premium/Offer Guidelines 8–E–1. It reads: "(Avoid) employing irritating audio or video techniques to demand the child's attention."

Affected audio devides include but are not limited to, music, sound effects, volume level and tempo.

Advertisers and their agencies are urged to employ restraint and discretion in their use of such techniques.

[ATTACHMENT J]

[From the National Association of Broadcasters Code Authority Interpretation of the Statement of Principles—Effective April 1, 1974]

In response to questions raised about the application of certain Children's Television Advertising Statement of Principles to specific copy situations, the Television Code Review Board has issued the following interpretations of particular Statement of Principles provisions.

The Board urges all advertisers and agencies with products/services that are advertised primarily to children to review their existing and proposed children's television commercials to help assure that they meet the letter and spirit of the Statement of Principles.

The Principles become effective no later than January 1, 1974. The Television Code Review Board periodically will review developments in this area of advertising and issue, when necessary, additional interpretations. Advertisers, agencies, Code subscribers or other interested, responsible parties seeking clarification of the application of any of the Principles to specific copy approaches should adress their requests for same to the Code Authority Director, 485 Madison Avenue, Room 1910, New York, N.Y. 10022.

Herewith are the interpretations:

1. The provisions (and interpretations) of the Statement of Principles apply to advertising designed primarily for children which is telecast during or adjacent to either Saturday and Sunday morning children's programs or other programs directed primarily to children.

2. Television advertisements designed primarily for children shall not direct children to purchase or to ask a parent or other adult to buy the product for them. (Principle #3)

3. In order to help assure that advertising designed primarily for children is non-exploitative in manner, style, and tone, such advertising shall avoid using exhortative and imperative language. It shall also avoid irritating, obtrusive or strident audio techniques or video devices such as cuts of less than one second in length, a series of fast cuts, special effects of a psychedelic nature (e.g., flashing colors, flashing lights, flashing supered copy). (Principle #3)

4. Commercials for products such as snacks, candies, gums and soft drinks shall not suggest or recommend indiscriminate and/or immoderate use of the product. (Principle #6)

5. Each commercial for breakfast-type products shall include at least one audio reference to and one video depiction of the role of the product within the framework of a balanced regimen. (Principle #6)

6. Special, enriched foods designed to serve as a substitute for a meal may be advertised as such provided: their purpose and nutritional value are featured in the advertising and supported by adequate documentation (Principle #6)

7. The use of real-life authority figures/celebrities as product presenters shall not include their personal testimonials or endorsements.

Mr. MACDONALD. Thank you very much, Mr. Summers.

I have a few questions, very few questions to ask.

What kind of power does a group like the NAB code authority have if you are completely voluntary? Do you have any clout to speak of? Do you keep it in mind, or do you inspect?

Mr. SUMMERS. I might refer that to Mr. Lansner, who works daily with the code in New York, and probably is a better spokesman on that subject.

Mr. MACDONALD. Right.

Mr. LANSNER. The clout of the code I think can be divided into two areas, that which deals with the advertiser and that which deals with the code subscriber. In terms of the advertiser, for those advertising categories for which the code serves as a central clearance, we review all commercials from the storyboard stage through the finished tape. If a commercial does not comply with code standards, and the advertiser insists on sending it out to stations, we notify the stations by a public notice advising them the commerical is unacceptable under code standards.

Mr. MACDONALD. How do you find out about it? You don't have any big enforcement group, do you?

Mr. LANSNER. Well, we have this situation.

Mr. MACDONALD. And I am not arguing, but asking, because, frankly, I don't have any idea how it operates.

Mr. LANSNER. There are basically four areas, children's toy advertising, children's premium advertising, certain personal product advertising, and vegetable oil and margarine and related product advertising. The advertisers I believe, through our code news, through trade journals, and what have you, know that they have to come to us with their commercials if they plan to use them for network advertising or national spot advertising purposes.

I believe that in those four categories we see virtually all of the commercials that go on the air. So we have a very basic control over those areas from the very inception of the commercial until its production. If there are situations that arise where an advertiser, for whatever reason, takes issues with the code standards and goes ahead and produces a commercial without clearing it through the code, we would notify all stations of that situation, and the stations would not carry that commercial.

We do have a monitoring program in our Washington office whereby code subscribers are monitored periodically for conformance to our time standards, and from that monitoring we also pick up information about commercial practices of stations.

Mr. MACDONALD. How many people do you have in the monitoring bureau?

Mr. LANSNER. I believe we have five people who are doing the monitoring operation.

Mr. MACDONALD. Is that enough to cover the whole United States?

Mr. LANSNER. That is the Washington office. We are dealing with 414 code stations, and they are monitored twice a year by asking the station for logs for periods of time throughout the year, and the logs can be reviewed quickly.

Mr. MACDONALD. Do I use the correct figure in talking to Mr. Schneider saying that between 30 and 40 percent of broadcasters do not belong to the code?

Mr. LANSNER. That is correct. Forty percent do not formally subscribe to the code.

Mr. MACDONALD. Forty percent do not subscribe?

Mr. LANSNER. Yes, sir.

Mr. MACDONALD. It is not 50 or 60 percent, but 40 percent?

Mr. LANSNER. It is approximately 40 percent, correct.

Mr. MACDONALD. Which means 60 percent do?

Mr. LANSNER. Yes, sir.

Mr. MACDONALD. How are these guidelines, whatever you want to call them, how is the code read? Who reads what appears in the code?

Mr. LANSNER. Who it reaches?

Mr. MACDONALD. Yes.

Mr. LANSNER. Well, once the guidelines are promulgated by our code board, it is disseminated in the Code News.

Mr. MACDONALD. Yes, but I mean, who, or I am sure that someone has a competent idea and everyone feels it is great.

Mr. LANSNER. Oh, you mean as to how they are developed and such?

Mr. MACDONALD. Yes.

Mr. LANSNER. Through the code board and committees of the code board, and through the code authority, as well as broadcasters; we try to maintain a continuing review of areas and categories of advertising so as to see how they are going and see what problems might be arising in them. Problems may be articulated by broadcasters themselves or by consumer advocates, or viewers, or congressional people, by governmental or regulatory officials also.

Mr. MACDONALD. Congressional people have an input into this?

Mr. LANSNER. Not directly, sir, but when a Congressman speaks of a problem affecting broadcast regulations, we are obviously going to take a close look at it.

Mr. MACDONALD. I am glad to hear that. It is news to me. I never heard of anybody who had any luck on that score.

Mr. LANSNER. We try to follow those things closely and to find out where people may believe we are falling short in our self-regulatory effort, and look at some of those areas closely.

Mr. MACDONALD. You say the individual broadcasters have an input. How big an input do the networks have?

Mr. LANSNER. The networks have a large input, because of the function they serve in airing so many commercials for network use, so they have a greater experience on a day-to-day basis with specific problems that others might have.

Mr. MACDONALD. Aren't they the three greatest sources of input, the three various networks?

Mr. LANSNER. They are a large input, or they constitute a large input but on the code board itself, sir, they are three votes of nine when it comes to making final determination.

Mr. MACDONALD. Who are the other six?

Mr. LANSNER. Station representatives appointed by the president of NAB after consultation with the board of directors of NAB.

Mr. MACDONALD. All national affiliates, I suppose, I mean affiliates of a national network?

Mr. LANSNER. There generally is an independent representative on the code review board also, from a station not affiliated with any network. The others would be affiliated with networks.

Mr. MACDONALD. So it is one-to-one nearly?

Mr. LANSNER. I don't think there is that sort of dichotomy. I don't think they think of themselves independents or affiliates on most issues, but trying to find the best way of serving the public interest regardless of whether they are affiliated or independent stations.

Mr. MACDONALD. Of course, they are bound in duty to serve the public.

Mr. LANSNER. Yes, sir.

Mr. MACDONALD. Do you thing that the regulatory agencies have much input into code regulations?

Mr. LANSNER. The FCC and FTC specifically?

Mr. MACDONALD. Well, the FTC more or less is confined to deceptive advertising; is it not?

Mr. LANSNER. Yes, and all of their rules and regulations would be part of the code in a sense too.

Mr. MACDONALD. Yes, but correct me if I am wrong, don't those regulations all apply to deceptive advertising?

Mr. LANSNER. Basically, yes.

Mr. MACDONALD. You say "basically." What else?

Mr. LANSNER. Well, I think in recent years they have been talking of more sophisticated concepts than just basically whether a claim is true or not true. Certainly, you know the premium area perhaps is one area. They felt premiums were unfair to children and took their minds away from the advertised product. The broadcast industry disagreed with that, having had a set of premium guidelines for a number of years.

Mr. MACDONALD. We had this premium before us before at one point, the "price off"?

Mr. LANSNER. No, the premium I am talking about is this.

Mr. MACDONALD. You see a package and it says "9 cents off of the regular price," but it never said anything about what it was 9 cents off of. Was it 9 cents off of 85 cents, or 9 cents off of 35 cents, or what, and no one could figure it out.

Mr. LANSNER. The premiums I am referring to are toy giveaways that come with many products.

Mr. MACDONALD. Like Cracker Jack?

Mr. LANSNER. Exactly.

Mr. MACDONALD. I didn't realize there were other giveaways. What other giveaway programs are there?

Mr. LANSNER. Well, the premiums that some advertisers have either in the products for the consumer or you send away box tops or money to obtain them.

Mr. MACDONALD. They are still trying to send away box tops under the code?

Mr. LANSNER. Yes, they can, sir. Premium advertising is allowed under the code, but under very strict conditions.

Mr. MACDONALD. Like what?

Mr. LANSNER. The premium segment of the commercial in a 30-second announcement may take no more than 15 of those 30 seconds. The product has to be shown in a very clear still picture. The complete details of the premium offer must be given and all of the toy guidelines also apply to children's premium guidelines, so we obviously will not have misrepresentation.

Mr. MACDONALD. What happens if a member of the NAB violates code regulations, or code standards?

Mr. LANSNER. A number of things can happen. The first thing we try to do is convince the station to change its practice and abide by code standards. Through our monitoring program, which is primarily zeroed in on time standards, we come up with occasions for one reason or another where a station has not complied with all of the code's time standards. We enter into correspondence with the stations—phone calls are sometimes necessary to explain standards more fully—to find out why they erred in that particular case and to gain their assurance they will take the necessary steps to prevent that mishap from occurring again. If there is a continuing pattern of willful violations of the code standards on the part of the station we then have procedures in the code whereby we would bring the station up before the board in order to revoke its code seal and it subscription to the code.

Mr. MACDONALD. While this is very broad and you answered in broad terms, what is the pattern? I mean how many times do you have to do the same thing to constitute a pattern? Can you break the code 10 times, 50 times, or 150 times?

Mr. LANSNER. We have never set any specific number. It is a difficult definition I think to arrive at and, to my knowledge, we have this situation.

Mr. MACDONALD. It was not my word, but your word.

Mr. LANSNER. Yes, I realize that, sir. To my knowledge, we never had to formulate a specific definition. We try to play it with some flexibility because different situations might require different actions. Time standards might impose one set of conditions. Advertising which is obviously at odds with the code standard might impose another set of conditions.

Mr. MACDONALD. Do you have any outstanding examples of this happening?

Mr. LANSNER. Not in recent years. I would have to go back to before my time with the code, about 1960 or somewhat before, when there was a change in code policy regarding some personal product advertising and quite a few, I think upward of 80 stations, had to leave the code because they refused to go along with that policy. In time, I think, just about all of those stations did come back into the code.

Mr. MACDONALD. And this is for how many sins that they committed before they got expelled?

Mr. LANSNER. This was for basic disagreement with code standards. They just indicated they would not live by the standard. That was their consideration position.

Mr. MACDONALD. I think it would be nice if the standards, in some of these incidents, are lived up to. I don't know whether it is called expulsion or self-deposturing? Which would you call it?

Mr. LANSNER. I would call it expulsion at that time.

Mr. MACDONALD. Well, if you have a code and they say they are not going to live by it, and they don't live by it.

Mr. LANSNER. You have no choice but to do the necessary thing.

Mr. MACDONALD. So they already expelled themselves by not following the code and telling you they are not going to follow the code. I am trying to think, or have you think, of some example where something, some illustration of how this code did something, that it was not automatic, like letting people go who had already gone.

Mr. LANSNER. I can't recall any instances where the code actually formally expelled a member. I don't know if any exists.

Mr. MACDONALD. Isn't that rather curious?

Mr. LANSNER. Yes, and no, sir. Our goal is basically to keep broadcasters in the code because we feel we can then perform a better service to the public when we have a station in the code. We will go out of our way certainly within the time standards area to sit down and explain very carefully to the stations the ramifications of time standards to make sure they are in compliance with the code rather than have them go along with a misunderstanding that leads to oversights in their performance, and possibly could result in bringing of charges against a station to get them out of the code. We would rather keep them as good subscribers than try to throw somebody out just for the sake of throwing somebody out.

Mr. MACDONALD. Obviously, somebody who has had a voluntary association is not going to throw somebody out just because you feel like throwing somebody out, yet I would think you would have to do something, and this is what I am trying to think about, or have you think of.

Once again, you can't remember the code people ever finding anything bad enough that all was not forgiven and, therefore, no expulsion, and no penalty, or anything like that?

Mr. **Lansner.** Again, to my knowledge, I know of no formal explusion from the code. I think quite a number of years ago there were some situations where a station disagreed with a code policy, I think it was perhaps a bullfighting standard of the code, and indicated that it felt in its market bullfighting would be appropriate to carry.

Mr. **Macdonald.** That is very new. That was Bill Henry's idea to bring bullfighting in from Mexico. That was what, 2 or 3 years ago?

Mr. **Lansner.** Yes. It even goes back before then when they were thinking of running some films of bullfighting. The station eventually withdrew from the code of its own accord when we said we couldn't make allowance for it to carry those programs and the station was not willing to go through the code board to see if there was an opportunity to change the standard. But had the station carried that program we would have no option but to bring charges in a situation like that against the station.

Mr. **Macdonald.** Well, without, hopefully, sounding rude, that is not much of an outstanding record, that you can't think of one time that the code was enforced really harshly.

Mr. **Lansner.** To me, sir, it means that most stations are living up to code standards pretty well.

Mr. **Macdonald.** I suppose you could look at it that way. Yes. We are really optimists, and that would certainly be a way of looking at it, but if you were not that much of an optimist, you could say the code has no teeth, so it has no enforcement power either.

Mr. **Lansner.** I am optimistic about the code, sir.

Mr. **Macdonald.** I tried not to say that I was pessimistic about it. I was trying to find out what had happened, that is all.

Mr. **Summers.** Mr. Chairman, I think I can clarify it a bit. I think the real crunch here comes not in the relationship between the code and subscriber. The subscriber voluntarily agrees to subscribe to the code, and I think except in the case of time standards when things get a little too tough, they follow everything.

The crunch comes between the advertiser and the code. That is where the real enforcement is, because the advertiser submits a commercial before it ever perhaps goes on a station and the code says, "No, you can't run that commercial. You have to change it."

In the case of children, say, because it violates a safety standard, or premium guideline.

That is where we really have enforcement, and that is where the friction is created. The advertisers constantly say the code is too tough, and its enforcement is too strict, that: "They are restricting us and our creativity."

The real enforcement is in the relationship between the advertiser and the code, and not so much between the code and the subscribing station. The station feels it is part of the code, and it goes along with anything the code says. So I think that might clarify the situation.

Mr. **Macdonald.** Well, it is a different viewpoint, and think a more pragmatic one. But, as was indicated earlier, for the local affiliates, I guess there is not much of a chance or any chance at all to see what is going to come over the air by way of advertisements. It is his license, but he is just putting something on blindfolded and may be playing Russian roulette if the advertisement would be that bad. I am not saying it would be or has been, but I am saying it could be. He is taking the risk, and the producer and the network is taking no risk at all. Is that an unfair statement?

Mr. **Summers.** I don't think it is. I think legally it is clear the licensee is responsible for everything that goes out over his airwaves, and if he broadcasts a program that violates any of the Commission's numerous rules and policies, then he is the one who is going to have to answer for it.

Mr. **Macdonald.** That is right. We agree on that point. I am saying the Russian roulette part comes in when he has not seen what is going out over his station.

Mr. **Summers.** Yes. Well, I can't testify to that because I am not familiar with the relationships between the stations and networks. I think there has been conflicting testimony on that already.

Mr. **Macdonald.** We have had two versions in 2 days.

Mr. **Summers.** That is right.

Mr. **Macdonald.** That is what hearings are for. Then you make up your mind, or try to, where the absolute, if there is such a thing as an absolute, lies. But one explanation was certainly contradictory to the other.

Mr. **Summers.** But I certainly agree with your point, Mr. Chairman, that the responsibility does lie with the station under the Communications Act.

Mr. **Macdonald.** Well, if there have not been any troubles with people abiding by the code and so forth, what caused the NAB to just recently come out with its new rules within the code?

Mr. **Summers.** The mandatory requirement that you have to belong to the code?

Mr. **Macdonald.** No, no.

Mr. **Summers.** I am sorry.

Mr. **Macdonald.** Well, a concrete example, would be their new attitude toward the number of commercial minutes aimed at children's programing.

Mr. **Summers.** Well, maybe Mr. Lansner would like to comment on that. But my impression was because of just the very thing that you are dealing with here, a heightened awareness of responsibilities to children and an attempt to try to reduce the amount of nonprogram material in programs designed primarily for children. Because of this heightened awareness, there was a feeling that maybe we could reduce the time standards from the levels that pertained at that time.

Mr. **Macdonald.** Yet, we had a spokesman for CBS which obviously is one of the leading networks, and I won't get into that, and it is an outstanding network. Mr. Schneider has indicated that his speech at Los Angeles was a great mistake, that CBS is losing money here, and profits are getting marginal, indicating maybe there won't be children's programing. He never flatly said the latter. He never said there would not be any children's programing, but he was saying the programing was wrong. Arthur Taylor, on the other hand, said he thought it was right, president Taylor of CBS, that is, and that CBS should take the lead in cutting back.

Once again, there you are with two points of view coming out of the same network. I tried to clear that up today, and because of limitations of time and by professional answers was unable to pierce the corporate veil, or whatever you want to use as a phrase, which was not what I was calling it in my mind at the time, frankly.

I would be very much earthier in my statement. But in any event, since networks do have an input, they and their affiliates, votingwise and otherwise, obviously they had to feel that they had been doing something wrong or they would not have gotten together, or they wouldn't have suddenly become that much more aware of the children's programs. Am I correct in that assumption?

Mr. **Summers.** Well, obviously you heard Mr. Choate and Ms. Charren. We have been under constant pressure about children's programing for years now, and I think to some extent the reduction in the time standards is the culmination of some of that pressure.

Mr. **Macdonald.** Right. And I, by no means, am trying to put down either the action group or Mr. Choate, both were waving mightily, but my relationship is called action and that goes back to a coffee klatch in Newtonville some years ago, and I have been a voice down here, and that is what surprised me about how everyone at the Code supposedly listens to what a Congressman has to say. I have been a voice calling, not in such detail, as I am here, but with equal enthusiasm, in any event, I could not equal the time that was devoted to the problem, but I had a, or I felt I was 100 percent correct then, and I still do, and it doesn't seem to have any effect. Now suddenly, or it seems suddenly to me, the NAB Code comes out, and you say that suddenly they became aware of the differences in children's programing and advertising and contrasting that with regular programing.

Mr. **Summers.** I won't say suddenly, Mr. Chairman, but over a period of the last 5 or 6 years this certainly has been the case.

Mr. **Macdonald.** Well. I don't want to end on a sour note, but I think that is a long time to try to have such an obvious point be registered, that the children's advertising, especially a while ago, was just terrible and the programing itself, and some of it varies, as I told the gentleman from CBS, that they had some very good children's programing. Of course it is like public broadcasting always talking about "Sesame Street," and CBS always talking about "Captain Kangaroo," both correct, but when you hear it often enough you get tired of hearing it even though Captain Kangaroo is a fine program. They are to be applauded, but it does not make up for the time they feel is necessary for commercials during a children's program.

If you have nothing further to add, and I would be happy to hear from either or both of you, I would like to adjourn if we could until say 2:30 or 2:45 p.m.

Mr. **Summers.** I think that is all I have, Mr. Chairman.

Mr. Lansner. That is all I have.

Mr. **Macdonald.** We have two more witnesses here today, and if they are here they are welcome to insert their remarks into the record as read, and they will become just as much a part of the record or we can go over until tomorrow, if your prefer. I am stretching the rules a bit sitting here when I don't have unanimous consent to do so, given by the House, where the energy bill is being debated. I asked the chairman about that energy bill being heard, but I will be here if you feel it is necessary.

STATEMENT OF ROLAND P. CAMPBELL, SENIOR VICE PRESIDENT, COUNCIL OF BETTER BUSINESS BUREAUS, INC.; ACCOMPANIED BY MRS. EMILIE GRIFFIN, DIRECTOR, CHILDREN'S ADVERTISING REVIEW, NATIONAL ADVERTISING DIVISION

Mr. CAMPBELL. Mr. Chairman, I think whatever is your pleasure. My only comment will be a wish not to extend the hour, but, on the other hand, we welcome the opportunity to answer any questions the committee may have.

I guess I would prefer to leave it for tomorrow, and we would be happy to stay over.

Mr. MACDONALD. Unfortunately, inasmuch as we have a hard and fast rule against meeting when the full committee is meeting, and with a full witness schedule all of this week, and the full committee meeting all next week, it is today or never, or until after the recess when a bill is forthcoming. Mr. Wirth's bill was spoken about, and I have never seen his bill, but a bill will be forthcoming from this committee at some point. If you want us to ask questions, I will be happy to try to oblige at 2:45.

Mr. CAMPBELL. I think that is unnecessary, unless you wish to. I have no particular desire to, but I will be happy to.

What we had to say about the children's unit is in my statement that we filed with you, and I am happy to have had the opportunity to do that.

Mr. MACDONALD. The statement of Mr. Campbell will be inserted in the record at this point. With that, if you are satisfied—I certainly am—I would like to adjourn.

[Mr. Campbell's prepared statement, with attachments, follows:]

STATEMENT OF ROLAND P. CAMPBELL, SENIOR VICE PRESIDENT, COUNCIL OF BETTER BUSINESS BUREAUS, INC.

Mr. Chairman, I am Roland P. Campbell, Senior Vice-President of the Council of Better Business Bureaus, Inc. in charge of the New York office which includes the National Advertising Division.

Accompanying me today is Emilie Griffin, Director of the Children's Review Unit in the National Advertising Division.

We welcome the opportunity to speak to you about self-regulation of advertising content, including what is said and how it is said in children's advertising. We also welcome the opportunity to answer any questions.

BACKGROUND: THE COUNCIL OF BETTER BUSINESS BUREAUS, INC.

The Council of Better Business Bureaus, Inc., a not-for-profit organization, is the national organization for the Better Business Bureau System consisting of 141 Better Business Bureaus and satellites in 41 states and the District of Columbia. They constitute the prime organization to which consumers turn when they have a problem in the marketplace. A 1974 survey by Roper Reports reflects that more than half of the American people would turn first to the Better Business Bureau if they could not resolve their marketplace problems with business.

Moreover, more than half the people surveyed stated that they would "most likely get satisfaction" from the Better Business Bureau if they were to take their problem to it. According to Roper Reports, the Better Business Bureau "overshadowed all other places or people to whom to turn for help."

In 1974 alone, local Better Business Bureaus processed more than one half million written complaints and handled another half million on the telephone. In addition to this, several special programs administered by the Council serve to provide protection for the consumer in the marketplace. These include the establishment of industry standards in a number of fields; the dissemination of information helpful to consumers through mass media; the work of the National Consumer Arbitration Program, to arbitrate those consumer disputes which cannot be resolved through the normal contact of consumers with business.

Still another program provides for self-regulation of advertising, and I now want to turn to our work in this area as it affects the truth and accuracy of national advertising. The thrust of all these programs is to provide consumer protection and redress through a voluntary system funded by the business community itself.

INDUSTRY SELF-REGULATION OF NATIONAL ADVERTISING

The industry-supported program for the self-regulation of advertising, for which the Council of Better Business Bureaus provides the entire funding, is now about four years old. This program was initiated through the combined efforts of four industry organizations: the Association of National Advertisers, the American Advertising Federation, and the American Association of Advertising Agencies, which joined with the Council of Better Business Bureaus to provide the impetus for the program.

The organizational structure consists of the National Advertising Review Council, Inc., the National Advertising Review Board, and the National Advertising Division of the Council of Better Business Bureaus.

The National Advertising Review Council is composed of the chairmen and presidents of the four sponsoring organizations already mentioned.

The National Advertising Review Council is the parent body of the mechanism. Its functions and responsibilities are rather tightly prescribed. It: serves as the administrative agency for the self-regulatory structure; designates the members of the National Advertising Review Board and appoints its chairman; establishes the rules and procedures for effective operation of the self-regulatory mechanism; and establishes new programs. (Thus, when a special program to review children's advertising was contemplated, this decision was made by NARC, which determined that the program would be established within the Natitonal Advertising Division.)

The National Advertising Review Board, the appeals body of the mechanism, consists of a Chairman and fifty persons—thirty representatives from advertisers, ten from advertising agencies, and ten from the public. Ten advertising agency alternates are also designated, in order to avoid conflict of interest problems.

The National Advertising Division is the investigative arm of the mechanism and is lodged in the New York office of the Council.

THE PROCEDURES OF NAD

The procedures of NAD are as follows:

NAD receives complaints from outside sources (consumers, consumer groups, local Better Business Bureaus, government agencies and business firms), and also initiates complaints or inquiries on its own through internal monitoring of broadcast and print advertising.

Our mandate is to ensure that national or broadly regional advertising is truthful and accurate. In the case of advertising directed to children, we require that advertisements be not only truthful and accurate but also fair to children's perceptions.

When NAD accepts a case and it is logged in our records, we take care that there is some rationale for investigating a particular advertisement. Having logged the complaint, NAD directs a letter to the advertiser, expressing the specific nature of what is being challenged in the advertising. The advertiser is asked to provide on a confidential basis the substantiation which, in the advertiser's view, is support for the claim in question.

If the substantiation is deemed adequate, the case is closed. Frequently, NAD's in-house judgment must be supplemented by expertise from the outside, especially when technical or market research data are involved. This guidance is sought on a confidential basis as well.

If, on the other hand, NAD finds the substantiation inadequate, the advertiser is asked to modify or eliminate the advertising. If the advertiser agrees, the case is then closed.

If, however, NAD and the advertiser cannot arrive at a satisfactory settlement, either party has the right to appeal the matter to the NARB and the appeal must be granted. If there is an outside complainant, the complainant, if he is dissatisfied with the NAD decision, may also request an appeal, but the granting of the appeal is—in this instance—at the discretion of the Chairman of the NARB.

NAD issues a monthly report on or about the 15th, listing all cases closed during the preceding month, and summarizing the advertising claim questioned, the substantiation provided, and the NAD rationale for closing each case. NAD's monthly report also includes any statements which the advertisers involved may wish to make.

In the event of an appeal, a five-member NARB panel, with membership of 3 from advertisers, one from an agency, and one public member, is appointed by the chairman to adjudicate the case. The NARB panel may reverse or modify NAD's decision or uphold it. If the panel upholds NAD and the advertiser still refuses to correct the advertising, the matter is sent to the appropriate government authority which in most cases would be the Federal Trade Commission, with public disclosure of the referral.

SUMMARY OF RESULTS

In its almost four years of operation, the NAD has logged, as of June 30, 1975, 879 complaints. Of these:

300, or 34 percent have been dismissed as adequately supported.

242, or 28 percent, have resulted in advertising being modified or discontinued.

254, or 29 percent, have been administratively closed.

11, or 1 percent, have been referred by NAD to the NARB.

72, or 8 percent, of these are pending.

In total, 24 cases have been heard on appeal by NARB, and no case which has been the subject of an NARB panel hearing has subsequently had to be referred to a government authority, a reflection, we believe, of the respect which industry has for the self-regulatory mechanism.

With the exception of administratively closed cases—cases closed because the work of a government agency took precedence over NAD's investigation, or because advertising was not the primary issue, or for any other technical reason—the number of cases handled numbers 542. Of these, 44 percent have resulted in discontinuance or modification of advertising.

COMPLAINTS ON CHILDREN'S ADVERTISING

These statistics comprise the whole work of the National Advertising Division through June 30 of this year, including complaints which involve children's advertising. It should be noted that, from the beginning, complaints were entertained on all advertising, including advertising directed to children. However, prior to the establishment of the Children's Advertising Review Unit, only eight complaints were formally logged with NAD. Not a single complaint on children's advertising was received by us in the first months of 1974.

ESTABLISHMENT OF THE CHILDREN'S ADVERTISING REVIEW PROGRAM

Despite this apparent lack of concern on the part of the public, however, a great deal of concern was being manifested by consumer groups and government agencies. Specifically, a subcommittee had been established by the FTC in an effort to draft a code for children's advertising which would combine the best judgment of industry and consumer spokesmen.

As a way of recognizing these concerns, a special program to review children's advertising was established by the National Advertising Review Council in the spring of 1974.

At this time the then Chairman of the National Advertising Review Board, Edwin D. Etherington, directed a memorandum to the members of NARB in which he stated:

". . . An affirmative response to the FTC initiative by our sponsoring organizations, their most influential constituents and us at NARB is most important.

"It will not do, in my judgment, to stall because research is in progress; to argue that outspoken critics of children's advertising can be ignored because they do not have a large following; or to resist action out of conviction, however genuine, that the issue is a red herring.

"The facts are that at least some parents are concerned; that the FTC and at least some people in Congress are alert to that concern; and that there is growing conviction among advertisers and media representatives that more should be done. None of this concern and restlessness can be or should be ignored." (This memorandum is included as Attachment A.)

Following this, a memorandum was prepared by the National Advertising Division, describing the new program which it intended to undertake at the request of and with the support of industry. The memorandum stated:

"The NAD is taking four specific steps of action: (1) A set of standards for advertisements addressed to children has been adopted; (2) An organized and regular system of monitoring of national advertising directed to children is being implemented; (3) A decision has been made to retain expert counsel from professionals in the field of child perception and behavior; and (4) A separate unit within the NAD organization to coordinate the special children's advertising program has been established."

The memorandum further stated that the standards chosen were the ANA (Association of National Advertisers) Children's Television Advertising Guidelines, adding that:

"These standards have wide industry acceptance. They offer meaningful direction and are enforceable under self-regulatory procedures. At the same time, it is visualized that these guidelines may be amplified, modified, and supplemented as more knowledge is developed through research and through experience gained in "operation of the program."

The memorandum also said that major advertisers to children had agreed to supply prints of their commercials to NAD at the time they are first aired broadly to supplement NAD's own monitoring and ensure a thorough review of children's advertising. It added, with regard to the expert advice to be obtained, that NAD would retain a group of "seven or more outside consultants with the professional competence to advise NAD/NARB on how children perceive advertising messages directed to them." These were to be chosen "on the basis of their experience, credentials, and reputation in the field of child behavior."

In summarizing the program, the memorandum recognized that: "the NAD program cannot deal with which products may be advertised to children, or deal with whether it is proper to advertise to children at all. It cannot control TV programming or regulate broadcast time standards." (A copy of the NAD memorandum, dated May 15, 1974, is included as Attachment B)..

IMPLEMENTATION OF THE PROGRAM

The four specific steps of action described in the NAD memorandum have now been implemented as follows:

1. The adopted set of standards has been utilized by NAD in one year of print and television monitoring and investigation of complaints. Additionally, they have been revised and were issued in June 1975 as the Children's Advertising Guidelines of the National Advertising Division. (A copy of these Guidelines is included as Attachment C).

2. An organized system of monitoring of print and broadcast advertising has been implemented, with voluntary submission by many advertisers of their child-directed advertising.

3. Expert counsel has been retained in the form of a committee of seven consultants, all with distinguished qualifications in the field of child perception and behavior.

4. A separate unit within NAD has been operational since June, 1974, and is known as the Children's Advertising Review Unit.

PRINCIPAL FEATURES OF THE PROGRAM

Some of the principal features of our Guidelines, of our continuing review of advertising under these Guidelines, and indeed of our whole program should be mentioned here:

1. All advertising and promotional material directed primarily to children aged eleven and under is within our mandate, including print and broadcast advertising.

This would include all advertising which is clearly directed to children whenever or wherever it appears. This includes children's publications, children's programs, and programs with substantial children's audiences which are over 50% of the total, even when these are not specifically defined as children's shows.

2. Our Guidelines do not seek to limit the advertising of any products to children which are deemed safe for their use. However, we do prohibit the advertising to children of medicines, drugs and supplemental vitamins (liquid or pills). Beyond this, we forbid the advertising to children of products which are not primarily intended for their use.

3. While NAD does not ordinarily undertake to question adult advertising with regard to safety, the children's mandate includes specific safety recommendations. Our Guidelines caution against representations of children or adults in any unsafe situations, and against demonstrations or portrayals which encourage misuse or dangerous or inappropriate use of products.

4. The net intent of the Guidelines is to discourage any form of advertising representation which might be misleading to children. Within certain product categories which are commonly advertised, more specific recommendations have been made, to ensure that the total impression of the advertisement offers to the child a proper frame of reference as regards product usage. For example, advertisements which represent mealtime in the home are expected to show clearly and adequately the role of the product within the framework of a balanced diet. Advertisers may not encourage over-consumption of food products, or represent an inordinate number of toy products as being owned by any one child.

5. When premiums are offered in advertising, advertisers must keep the premium message portion of the commercial clearly secondary.

6. All forms of high-pressure salesmanship are forbidden, including suggestions that a child ask an adult to buy something for him, or suggestions that he will be more popular with friends when he owns a given product.

MONITORING AND REVIEW PROCEDURES

A thorough review of children's advertising has been conducted by the Children's Advertising Review Unit over the past several months with the cooperation of major children's advertisers:

Nearly 500 commercials have been voluntarily submitted on film or videotape and reviewed by us.

A regular monitoring schedule has been established by us for programs in all day parts with substantial children's audiences.

More than 2,000 announcements (including repeats) have been taken off the air with videotape monitoring facilities. These compromise commercials, promotions, and public service announcements.

Print advertising is being voluntarily submitted by major children's advertisers.

Print monitoring procedures have been established by the Children's Advertising Review Unit for several children's publications and a random selection of publications, such as comic books, which are commonly read by children.

COMPLAINT HANDLING PROCEDURES

More than 125 letters have been received from the public with regard to children's viewing of advertising. Of these:

A small number dealt with deceptive, misleading or unfair advertisements directed to children. These have been conscientiously pursued.

Complaints regarding non-fulfillment of orders have been referred to local Better Business Bureaus for their action.

Complaints regarding defective products have been referred to advertisers, with appropriate action by them.

Complaints regarding matters of taste outside of NAD's jurisdiction have been referred to advertisers themselves.

Complaints regarding children's viewing of adult advertising deemed inappropriate for their viewing by some, have been referred to advertisers or, in some instances, to NARB.

Complaints about the general practice of advertising to children, and other matters outside our jurisdiction, have been duly read and answered, but not pursued.

No specific complaint about a misleading or unfair advertisement directed to children has been refused by us, except when an examination of the product showed that the complainant had received a defective product, or in some other way was reflecting a unique experience not commonly shared.

PURSUIT OF COMPLAINTS AND INVESTIGATIONS

Complaints by consumers have led to the opening of six formal inquiries by the Children's Advertising Review Unit, four of which have been satisfactorily resolved. Two cases are still pending.

NAD's own monitoring has produced an additional twenty formal complaints. Fifteen of these have been resolved, one administratively closed, and four are still pending.

In short, of the 26 cases opened by the Children's Advertising Review Unit, the majority were initiated by us. Nineteen of these cases have been satisfactorily resolved to date.

Among the advertising practices which have been challenged by the Children's Unit are: Visual representations which might seem to exaggerate the size of certain products; use of audio tracks which suggest that toys are capable of talking when, in fact, they are not; representations which make toy products appear to travel a longer distance or go faster than they actually do; suggestions to the child that he ask his parents to buy a given product or take him to the store; an advertisement which suggested to a child that he would be taller by using a given product, when, in fact, the product, a booklet, only offered suggestions as to how he might appear taller: the offering of a "rare" stamp free, which was in fact neither costly nor difficult to obtain; representations in advertising of actions which, if duplicated by the child, might cause him to do something unsafe; and representations of an entire line of toys, as though included in a single purchase, when, in fact, separate purchases would have been required.

Of the nineteen matters which have been resolved by the Children's Advertising Review Unit, 17 have resulted in modification or discontinuance of the questioned advertising. 2 have been dismissed following submission by the advertiser of adequate substantiation. These 19 cases have all been publicly disclosed in NAD's monthly press releases of November, 1974 and December, 1974—and January, February, March, April, May and July, 1975. No children's cases were reported in June. (Attachment D—All press releases except July).

Thus it can be seen that the number of formal cases handled by the Children's Unit is small, but reflects a responsible effort by us to augment public complaints with our own investigations, based on very careful attention to the issues which have been raised by consumer advocates and others with regard to children's advertising.

To summarize, a continuing review of children's advertisements and public complaints has caused us to investigate some 26 advertisements, resulting in 19 closed cases, of which 17 advertisements have either been modified or discontinued by advertisers. This reflects substantial cooperation from both major and minor companies advertising to children. No case pursued by the Children's Advertising Review Unit has yet been appealed to the National Advertising Review Board.

THE WORK OF THE CONSULTANTS

Beyond the casework of the Children's Advertising Review Unit, the work of our consultants is of particular interest. These distinguished individuals, seven in number, are all members of the academic community with particular expertise in the fields of child psychology, developmental psychology, nutrition, education, and child consumer behavior. Most of them have pursued specific studies of children's responses to television, including both television programing and advertising. Their names, academic titles and affiliations, and brief biographical sketches, are attached. (Attachment E.)

We have met with these consultants seven times since October, 1974, and have been in close contact with them on an informal basis throughout the year. They have contributed to our thinking in the following ways:

They have advised us in the modification of our Children's Advertising Guidelines, which were recently issued and now will supplant the ANA Guidelines which we adopted in 1974.

They have assisted us in gathering and interpreting the existing research on children's perceptions of advertising, and are recommending new areas in which further study is needed.

They have brought to our attention any and all concerns which they have about specific advertisements or specific advertising practices.

They have assisted us in the development of some of our cases.

And they have helped us direct advertisers toward positive goals for children's advertising, ways in which advertising can help provide educational and social benefits to child viewers.

OTHER EFFORTS BY THE CHILDREN'S ADVERTISING REVIEW UNIT

In addition to these expert and qualified individuals who advise us, the Children's Unit has informally sought the involvement of other concerned individuals, consumer advocates, experts on nutrition and health, to bring to us any information or data with regard to the health and well-being of children as it may be affected by advertising directed to children. It is our hope to encourage further use of our mechanism by those who express concerns in the public forum.

It should be noted here that the Council, through its office of Consumer Education, last year prepared a group of twelve television announcements for child consumer education called Junior Consumer Tips, which are presently running on network television. While this is not the primary work of the Children's Unit, the Unit has asked that more of these be developed, and some of our consultants are being asked to help in the development of the content of these new announcements.

Beyond this, the Children's Unit has recently met with some of its supporters to share some of the thinking of the consultants with them, and to solicit their advice and suggestions on meaningful ways to encourage responsible children's advertising during the second year of this special effort. An agenda of this meeting, together with comments made by our consultants at the meeting, are included as attachments. (Attachments F and G.)

PLANS FOR THE SECOND YEAR OF THE UNIT'S WORK

Plans for the work of the second year have already begun, and will include the following objectives:

Solicitation of continuing financial support from children's advertisers.

Solicitation of prints and proofs of advertisements directed to children.

Development of plans for further interaction between advertisers and their agencies and the Children's Unit and Consultants. This will faciliate full and complete implementation of the revised Guidelines and bring to the attention of the Children's Unit any difficulties or problems created by the Guidelines.

Development and implementation of further research and study of children's advertising, specifically through testing of specific advertisements with children.

Further modification of the Guidelines as needed.

Advertisers and others will be asked to provide suggestions on further ways in which the Unit can encourage, within its stated mandate, responsible children's advertising.

SUMMARY

In summary, the National Advertising Division has fulfilled its first-year objectives with regard to children's advertising:

(1) The adoption and modification of a set of standards for children's advertising.

(2) The establishment of a continuing review of children's advertising in print and broadcast media.

(3) The retaining of expert advisors to assist in the evaluation of children's responses to advertising directed to them.

(4) The establishment of a separate unit to investigate and pursue complaints and to continue the development of standards for children's advertising.

Beyond these objectives, the Children's Advertising Review Unit is pursuing these further goals:

(1) Direct encouragement to advertisers to develop more positive content, both social and educational, in children's advertising.

(2) Commissioning of further child consumer education messages, through the Office of Consumer Education of the Council of Better Business Bureaus.

(3) Development of specific recommendations for research on children's perceptions of advertising.

(4) Further development of the Guidelines or of Position Papers to advertisers in the light of new research and understanding of children's perceptions and behavior.

Successful advertising, by definition, is designed to encourage a desire for the advertised product on the part of the consumer. In the case of child consumers, so long as there is advertising, there will be attempts on the part of children to influence purchase. Our program is designed, not to thwart this purpose, but to ensure that advertising directed to children does not mislead the child or use unfair means to encourage his interest in the advertised product.

We welcome any questions or thoughts which you may have about our program, now or in the future.

[ATTACHMENT A]

NATIONAL ADVERTISING REVIEW BOARD,
850 THIRD AVENUE,
New York, N.Y., March 1974.

MEMORANDUM

For: Members of the Board.
From: Edwin D. Etherington.
Subject: Children's advertising.

This memorandum reflects my understanding of the children's advertising matter, of NARB's responsibilities, and of the related roles of other organizations. It has been discussed by the National Advertising Review Council which has unanimously endorsed the program I have outlined. In addition, the Council of Better Business Bureaus, which had already set up a task force, has agreed to develop a detailed action plan.

BACKGROUND

Committees formed in response to an initiative by FTC Chairman Lewis Engman are discussing at least six subjects related to children's advertising:

1. Whether there should be any advertising to children.
2. Limitation of the number of commercials in given time segments.
3. Banning of advertising of certain kinds of products.
4. Elimination of certain practices and devices in commercial considered objectionable by some critics.
5. Preparation of a comprehensive code governing children's advertising.
6. Establishment of a Children's Advertising Review Board.

It is our understanding, following a meeting with Chairman Engman, that the FTC is not contemplating a rule making procedure at least for now. It hopes an effective industry program can be worked out on a voluntary basis.

The FTC is attempting to arrange a research project which would be conducted by the National Science Foundation. This constructive step reflects a realization that any program established now must be flexible enough to accommodate improved understanding later.

PRESSURES ON NARB

The idea of a "Children's Advertising Review Board" has caught the attention of a number of major advertisers. Some have written to me. One observer has said:

> "It is interesting to watch the grass roots movement which is pushing the ad industry toward a consensus that National Advertising Review Board play the pivotal role in policing children's advertising." [1]

When knowledgeable people refer to "NARB", they probably have in mind the complete NAD/NARB process. In that case, it is clear that we must be centrally involved in "policing" children's advertising. We are now. But if others think NARB as such should write a code and establish a Children's Advertising Review Board, I would disagree.

In any case, we must know where we stand, and make our stance clear to others. The future of the self-regulation program could be undermined if we seem indecisive or unconcerned.

MY GENERAL CONVICTIONS

It is often true that authority is given to government through needless defaults within the private sector. Thus an affirmative response to the FTC initiative by our sponsoring organizations, by their most influential constituents and by us at NARB is most important.

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[1] Stanley E. Cohen, *Advertising Age*, February 25, 1974, p. 10.

It will not do, in my judgment, to stall because research is in progress; to argue that outspoken critics of children's advertising can be ignored because they may not have a large following; or to resist action out of conviction, however genuine, that the issue is a red herring.

The facts are that at least some parents are concerned; that the FTC and at least some people in Congress are alert to that concern; and that there is growing conviction among advertisers and media representatives that something more should be done. None of this concern and restlessness can be or should be ignored.

THE ROLE OF NARB

The total NAD/NARB program was well conceived by its founders and sponsors. In effect, NAD is a trial court, but with powers of investigation; and NARB is an appellate court, but with more flexibility than a court of law might have.

NAD does not go beyond questions of truth and accuracy. Neither does NARB, except through occasional consultive panels asked to review broad areas of concern that involve advertising but do not relate to specific cases.

NARB panels set precedents when they decide cases, just as courts do. But it has been felt from the beginning that NARB should not, in addition, attempt to write codes. That would be akin to having a court substitute itself for the legislature by writing the statute it must then enforce.

NARB has public representatives as well as experts in advertising on its Board. Both are necessary for balance. But I am not aware of any effort to appoint either public representatives or advertising experts with reference to fields of interest or particular specialties. NARB panels are and should be prepared to review national advertising whether it is directed to children or to adults, to men or to women, to one segment of the population (e.g., boat buyers, campers, cooking enthusiasts) or to any other. The point is that NARB is not and should not be segmented.

The notion that a Children's Advertising Review Board should be established as part of NARB clashes with the basic concept of the program unless experience demonstrates that this area is so specialized that an entirely separate review mechanism is needed. I do not think that is the case, but I do think special arrangements may be necessary to monitor children's advertising, to evaluate findings and (in effect) to "try cases". This leads us to the NAD part of our total self-regulation program.

THE ROLE OF NAD AND THE CBBB

The Council of Better Business Bureaus (CBBB), in addition to being one of NARB's four sponsors,[2] provides crucial underpinning for the NARB program in two ways: (1) It monitors national advertising for truth and accuracy to determine when investigations and evaluations may be warranted. (2) It gives NAD—its National Advertising Division—high priority support as the investigative arm and point of initial decision on all complaints.

It is at this (NAD) level that specialized experience and expert analysis may be necessary in any case and could be necessary in connection with most children's advertising. Thus it is at this level, in my judgment, that a special panel or unit may be needed. It would monitor children's advertising, screen out suspect ads for examination, and initiate corrective steps as appropriate.

Returning to the analogy to the courts: NARB counts on a solid "trial record" just as a court does. A NARB panel can ask the parties (and can ask NAD) to produce new evidence, but the system works best when the investigation and trial have been handled competently and a complete record, ready for review, reaches a NARB panel.

The very light case load related to children's advertising suggests that a special unit within NAD may not be needed simply to decide cases. NAD can always seek expert opinion. But such a unit could be assigned to monitor children's advertising—to see that questionable ads are spotted and evaluated. It could also be available to advise NARB panels when appeals are taken from NAD decisions concerning children's advertising. In any case, planning for such a unit can go forward.

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[2] The others: The American Advertising Federation, Inc.; The American Association of Advertising Agencies, Inc.; and the Association of National Advertisers, Inc.

The CBBB has already set up a task force which is to develop a specific plan. It is assured of the help and guidance of the other oragnizations that sponsor NARB.

THE MATTER OF A CODE

The National Association of Broadcasters now enforces a code and the Association of National Advertisers has established guidelines for children's advertising. In addition, new proposals from other quarters have grown out of the FTC-sponsored discussions. But there are conflicting views about all available materials and proposals.

Without taking a position on this matter—particularly because it is not the business of NARB to write codes—I can and do suggest that progress should not be delayed through an enervating effort to get agreement where none may yet be possible.

Action to strengthen the regulatory process is not inconsistent with a continuing debate concerning codes. A review unit within NAD—adequately staffed and with access to experts such as developmental psychologists—would make judgments and might well issue advisory opinions to advertisers. It would refer unsettled disputes to NARB. In this process, a new or revised code might well evolve quite quickly. Or a consensus could emerge that flexible self-regulation, aided by precedents rather than code restrictions, is the wiser approach.

In the meanwhile, there would be action to protect children against exploitation. That is the important goal.

FUNDING

The substantial extra cost of the program outlined here would have to be carried by advertisers and their agencies through increased support of the CBBB. The need for stronger funding with or without adding a new dimension to NAD is now under discussion at CBBB and would attract the cooperative attention of all who benefit from this self-regulation program.

NARB'S IMMEDIATE RESPONSIBILITY

We will take whatever opportunities we have to let the public know that NAD and NARB now handle questions of truth and accuracy in children's advertising, and that we define those terms broadly. We will also make it clear that we stand ready to cooperate in the development of a program as outlined here or in some other mode.

There is no doubt in my mind that members of our Board will be glad to assist either individually or by way of a committee if one is needed. The immediate goal is to help reassure parents that we do care about this complex subject and about their children as well as our own.

EDWIN D. ETHERINGTON,
Chairman.

[ATTACHMENT B]

NATIONAL ADVERTISING DIVISION,
COUNCIL OF BETTER BUSINESS BUREAUS,
New York, N.Y., May 15, 1974.

SELF-REGULATION OF ADVERTISING DIRECTED TO CHILDREN

The NAD/NARB is undertaking a program designed greatly to extend its self-regulatory capability to cover advertising directed to children. This program recognizes that an audience of children is a special one, and that advertising directed to that audience needs to be reviewed not only for truth and accuracy but also for its fairness in dealing with a child's limited and still-developing perception and understanding of the world around him.

The NAD is taking four specific steps of action:

1. A set of standards for advertisements addressed to children has been adopted.
2. An organized and regular system of monitoring of national advertising directed to children is being implemented.
3. A decision has been made to retain expert counsel from professionals in the field of child perception and behavior.

4. A separate unit within the NAD organization to co-ordinate the special children's advertising program has been established.

The success of any self-regulatory program depends on full industry backing and support as well as public credibility. Therefore, the special program is an integral part of the NAD/NARB self-regulatory mechanism which was created as part of a voluntary program by American industry to improve national advertising. The NAD/NARB procedure has broad-based industry support and is jointly sponsored by The American Association of Advertising Agencies, The American Advertising Federation, The Association of National Advertisers, and The Council of Better Business Bureaus.

The same procedures now being used to review all other national advertising will also be used to review advertising directed to children but with two important additional considerations: (1) that how a child may perceive or respond to a commercial is at least as important—and perhaps more important—than truth and accuracy of the commercial by adult standards; and (2) that advertiser justification for his advertising will frequently consist of judgments of how children perceive the message rather than the more factual substantiation that would be the case with other types of commercials.

STANDARDS

To assess the acceptability of advertising addressed to children, the NAD has elected to use initially the ANA "Children's Television Advertising Guidelines". These standards (Attachment A) have wide industry acceptance. They offer meaningful direction and are enforceable under self-regulatory procedures. At the same time, it is visualized that these guidelines may be amplified, modified and supplemented as more knowledge is developed through research and through experience gained in operation of the program.

MONITORING

An essential part of the system will be a continuous monitoring operation of national advertising directed to children. In the spirit of self-regulation, major advertisers to children have assured NAD that they will supply prints of commercials at the time the commercials are first aired broadly. This will be supplemented by NAD monitoring of ads and commercials to help insure that a substantial part of all national advertising directed to children will have been responsibly reviewed on a regular basis.

CONSULTANTS

Implicit in the program is the understanding that advertising directed to children will be reviewed in terms of how a child perceives it.

Since children's perception of advertising is an area where there are limited research findings and very few hard facts, the NAD will retain a group of 7 or more outside consultants with the professional competence to advise NAD/NARB on how children perceive advertising messages directed to them.

The consultants who will work with the NAD will be chosen on the basis of their experience credentials and reputation in the field of child behavior. This will help insure that commercials directed to children will be reviewed with the fullest possible objectivity and with the benefit of the best knowledge available in the area of child perception and motivation.

None of the consultants has yet been designated, but that NAD has already gathered a list of nominations of individuals with impressive credentials in the behavioral sciences, and particularly in the area of child psychology. Other nominations will be solicited before the consultants are officially designated and publicly announced.

The objectivity of the consultants must be beyond reproach. Their contribution to the self-regulatory process must be their capacity to judge children's perceptions and how they may be motivated or act as a result of such perceptions. The consultants must be able to provide sound rationale for their judgments.

The consultants will be available to NAD in its review of commercials, in its investigative work on individual cases and to NARB in its appellate role. They will also be available both as individuals and as a group to counsel and advise in areas and issues which may be broadly applicable to children's advertising. Such advisory opinions on special issues may well find their way into amendments or supplementals of the basic standards.

SPECIAL NAD CHILDREN'S UNIT

To implement the entire program, the NAD has established and already filled the new position of Director of Children's Advertising Review. Working with the Director of the National Advertising Division and the necessary supporting staff, the Director of Children's Advertising Review will set up and manage the monitoring of national advertising directed to children, work with the outside consultants, co-ordinate any research that is conducted, and prepare the rationale for any NAD challenge felt to be appropriate. In the event of a challenge, regular NAD/NARB procedures (Attachment B) will be used.

What the system provides—and the reason we are confident it will be successful—is a regular, expeditious and responsible review of advertising directed to children against a set of standards that are clearly stated and interpreted with the help of a completely objective group of experts.

The public of course, will have access to the system in the same way it now has with regard to any national advertising. The public may initiate its own challenges to specific ads and commercials, and the NAD will pursue appropriate complaints. In addition, in view of the great interest in the general subject of advertising directed to children, the NAD anticipates that there will be periodic opportunities for interested public representatives to meet with and discuss their views in this area with the NAD and its consultants.

Decisions made by NAD/NARB will continue to be a matter of public record. In the past, NAD/NARB decisions have had a high degree of advertiser acceptance. This is partly because advertisers have agreed in advance to accept the decisions of a system of self regulation they support and partly because of their aversion to the publicity a refusal would generate. Nevertheless, it must be recognized that the NAD program cannot deal with which products may be advertised to children, or deal with whether it is proper to advertise to children at all. It cannot control TV programming or regulate broadcast time standards.

What it can do is to provide assurance to the public that the advertising community has taken major steps to review regularly and responsibly and with the help of the best knowledge available in the field of child behavior the large volume of advertising directed to children. It will work toward the highest standards possible in maintaining truth, accuracy and fairness to children in advertising presentations.

[ATTACHMENT C]

CHILDREN'S REVIEW UNIT,
NATIONAL ADVERTISING DIVISION,
COUNCIL OF BETTER BUSINESS BUREAUS, INC.,
New York, N.Y., June 19, 1975.

CHILDREN'S ADVERTISING GUIDELINES

PREAMBLE

These Guidelines have been developed for the use of advertisers and advertising agencies and for the self-regulatory mechanism which they have established, the National Advertising Division, to help ensure that advertising directed to children is truthful, accurate and fair to children's perceptions.

Because trends in advertising are continually changing and because research and study are constantly shedding new light on children's development and understanding of advertising, these Guidelines will continue to be revised and modified on an on-going basis, as circumstances dictate.

PRINCIPLES

Five basic Principles underline these Guidelies for advertising directed to children:

1. Advertisers should always take into account the level of knowledge, sophistication and maturity of the audience to which the message is primarily directed. Since younger children have a limited capability for discerning the credibility of what they watch, they place a special responsibility upon advertisers to protect them from their own susceptibilities.

2. Realizing that children are imaginative and that make-believe play constitutes an important part of the growing up process, advertisers should exercise care not to exploit that imaginative quality of children. Unreasonable expecta-

tions of product quality or performance should not be stimulated either directly or indirectly by advertising.

3. Recognizing that advertising may play an important part in educating the child, information should be communicated in a truthful and accurate manner, with full recognition on the part of the advertiser that the child may learn practices from advertising which can affect his or her health and well-being.

4. Advertisers are urged to capitalize on the potential of advertising to influence social behavior by developing advertising that, whenever possible, addresses itself to social standards generally regarded as positive and beneficial, such as friendship, kindness, honesty, justice, generosity and respect for others.

5. Although many influences affect a child's personal and social development, it remains the prime responsibility of the parents to provide guidance for children, and to exert necessary and proper influences in children's exposure to the world. Advertisers should contribute to this parent-child relationship in a constructive manner.

To implement these Principles the following provisions are offered:

A. Interpretation

Advertisers are reminded that the interpretation of these Guidelines should conform to and implement the Principles stated above. The intent in all cases should be to deal fairly and honestly with children, fulfilling the spirit as well as the letter of the Guidelines. Each individual commercial or advertisement should be considered in that context. Differences in the nature of broadcast media and print media should be taken into account. The Guidelines should not be regarded as prescribing rigid or inflexible rules which may deprive children and advertisers of the benefits of innovations and new approaches.

B. Scope

The clauses in these Guidelines embrace advertising designed to appeal to children eleven years of age and under. This includes children's advertising which is broadcast in children's programs and programs in which audience patterns typically contain more than 50% children. Commercials appearing in shows for which children are a substantial audience segment, but less than 50%, will be regarded as subject to these Guidelines only when they are clearly addressed to children eleven and under. Print advertising is subject to these Guidelines when it is primarily directed to or primarily read by children.

C. Social values

Advertising should emphasize positive social and moral values and enrich the dignity of human life, as opposed to portrayals of violence, appeals to fear, or prejudice of any kind. To this end:

1. Advertisements should never portray as desirable any practices which are generally considered unacceptable from the standpoint of social, legal, moral, institutional or family values. Social stereotyping which is demeaning or derogatory to any group should be avoided.

2. Advertisements should not reflect disdain for parents or parental judgment, nor reflect unfavorably on other generally recognized sources of child guidance.

3. Advertisements should never portray undesirable living habits. Advertising should convey respect for others and the world in which the child lives. Civility and good manners should be encouraged.

4. Advertisements should encourage good use of language. This does not preclude informal usage.

5. Advertisements should avoid the contention that by possessing a product, a child will be more accepted by his peers, or by lacking it, he or she will be less accepted by his peers.

6. Advertisements should avoid the implication that a parent or adult who purchases a given product or service for a child is better or more generous than one who does not.

7. Advertisements should not falsely imply that purchase and use of a product or service will confer upon the user the prestige, skills, or other special qualities of characters appearing in the commercial or ad. Material benefits attributed to the product or service should be inherent in the use thereof.

D. Presentation

Children have vivid imaginations. Use of imagination enables a child to project himself beyond his immediate capacities and reach for his future potential. Advertisers should, therefore, always respect a child's imagination.

The use of imaginative situations relevant to the audience concerned is an acceptable and normal communications practice. Implicit in the foregoing is the concept that fantasy, including animation, is an appropriate form of communication to any audience, including the very young.

However, the use of special situations and fantasy in advertising should not suggest unattainable expectations of performance.

To achieve this, presentations should not exploit the child's difficulty in distinguishing between the real and the fanciful.

Particular control should be exercised to assure that:

1. Copy, sound and visual presentations—as well as the advertisement in its totality—do not mislead on performance characteristics such as speed, method of operation, size, color, durability, nutrition, noise, etc.; on perceived benefits such as the acquisition of strength, popularity, growth, proficiency, intelligence and the like; or on the expectation of price range or cost of the product.

2. The advertisement clearly establishes what is included in the original purchase of the advertised product, employing where necessary positive disclosure on what items are to be purchased separately in a way that will be understood by the child audience to which the advertisement is primarily addressed. All advertising for products sold unassembled should indicate that assembly is required. If any other product is essential in order to use the advertised product—such as batteries—this should be disclosed.

3. A clearly depicted presentation of the complete advertised product is shown in the advertisement. When appropriate in helping to identify the product, the package may also be depicted, provided it does not mislead as to product characteristics, content, or the price range to be expected.

4. Advertising demonstrations showing the use of a product or premium can be readily duplicated by the average child for whom the product is intended.

5. Representations of food products should be made so as to encourage sound usage of the product with a view toward healthy development of the child and the development of good nutritional practices. Advertisements representing mealtime in the home should clearly and adequately depict the role of the product within the framework of a balanced diet. Overconsumption of food products and beverages should be avoided, nor should it be implied that any one food provides all the nutrients contained in a well-designed daily food plan.

6. To ensure accurate and truthful representation of playthings, they should be shown in normal play environments and situations.

7. A fair and equitable number of products should be featured, consistent with the number of children shown in the play setting. Should a whole line of toys or more toys than might be reasonably owned by the average child be featured, limbo settings (which are defined as non-representational settings with a plain background) or in-store settings are suggested, as they might provide a better context for fair demonstration of these products to children.

E. Promotion by program character, editorial character, or personal endorsement

It is recognized that very young children may not fully recognize differences between editorial and program content and advertising content. Hence, endorsement by characters on the programs or in the editorial content of a publication may confuse children. Therefore:

1. Program personalities or program characters (live or animated) on children's programs should not be used to promote products, premiums or services in or adjacent to any program where the personality or character appears.

2. In print media, characters and personalities associated with the editorial content of a publication should not be used to promote products, premiums or services in the same publication.

3. Subject to paragraph (1) of this section, "product characters"—personalities live or animated who are closely associated with or identified with the product—may be used as presenters for the advertised product or service, provided they do not do or say anything to mislead children as to the product or service concerned.

4. Nationally known persons may not be used to attribute a characteristic or quality to a product (including a premium) unless they are generally recognized

as qualified to speak on the subject. All personal endorsements should reflect the real experience and beliefs of the endorser.

F. Comparative claims

It is recognized that advertising which compares the advertised product to another product may be difficult for children to understand and evaluate and may therefore be misunderstood. Therefore, advertisers are urged to present products on their merits without reference to competition.

In the event that a true and significant advantage may exist in a product which can be readily understood by children, this advantage should be clearly explained. If advertisers should develop comparative advertising to children this should be done with the following cautions in mind:

1. Comparative statements should be informational and not demeaning to other products or to previous versions of the same product.
2. Comparative statements should not suggest that the advertised product is superior to another in individual attributes or overall characteristics unless such statements can be documented.
3. Comparative statements implying overall superiority should be avoided when such statements are based on attributes in which the advertised product excels, and where the competitor's product excels in other attributes not mentioned.
4. Comparative price statements should be based on the usual and customary price paid in a substantial number of sales in the trade area where the advertising is carried. Price comparison should be understandable to the average child for whom the product is intended.

G. Pressure to purchase

The purpose of advertising to children is to encourage trial and repeat purchase. However, children are not as prepared to make independent buying decisions—or contribute to family decisions—as are adults. Accordingly, to avoid undue pressure to purchase:

1. Children should not be urged to ask parents or others to buy any product.
2. Products which by their very nature are not primarily intended for use by children should not employ advertising directed to children; nor should such products be promoted by premiums or other means directly to children.
3. All price representations should be clearly and concisely set forth in a manner so as not to exert undue pressure to purchase, and price minimizations such as "only" or "just" should not be used in any advertising directed to children.
4. When toys or any other product can be purchased either individually or as a collection of related items, price representation should clearly indicate to the child that the cost of the collection is greater than the cost of the individual item.

H. Safety

For the child, imitation, exploration and experimentation are important facets of the learning process. The various media can enhance this process, as can advertising in each of the media which the child encounters. Recognizing this, advertisers should guide their advertising to contribute to the establishment of safe and sound habits in children.

Moreover, children, and occasionally parents, may not be cognizant of hazards that may exist through use or abuse of products. Therefore:

1. Advertisements, except specific safety messages, should not portray adults or children in any unsafe acts, situations, or conditions or in acts which are harmful to others.
2. Advertisements should avoid demonstrations or portrayals that encourage misuse, or dangerous or in appropriate use of the product which is inconsistent with generally accepted standards of safety.
3. Medications, drugs and supplemental vitamins (liquid or pills) should not be advertised to children.

I. Claim substantiation

In accordance with the basic principle of dealing fairly and honestly with children:

1. Advertising to children should not claim or imply any product or performance characteristics which are not supportable by factual data or research which conforms to sound professional practices.

2. Puffery (defined as "flattering publicity" or "extravagant commendation") is not acceptable support for an objective product claim. Advertising claims which might be construed as literally true must be literally true.

J. Additional guidelines for premium advertising

The use of premiums in advertising has potential to enhance the appeal of a product to a child. Special attention should, therefore, be paid to the use of premiums in advertising. To guard against premiums exploiting the children's immaturity:

1. Care should be taken that the child's attention is focused primarily on the product rather than the premium. Therefore, major emphasis should be given to the product and its benefits. Emphasis on the premium should be clearly secondary.
2. It is recognized that limitation of the time devoted to a premium offer within a commercial may not be sufficient to ensure primary attention to the product offer. Therefore, advertisers are urged to weigh all factors, including time, to ensure that the product message is primary.
3. When a premium offer is used, the conditions of the offer should be stated simply, in terms which a child can understand. Every effort should be made to communicate so-called "mandatory" statements and disclaimers in terms which will be understood by a child audience.

[Attachment D]

National Advertising Division,
Council of Better Business Bureaus,
New York, N.Y.

[News from NAD for release Thursday, May 15, 1975]

Advertiser Refers a Disputed Matter to NARB

Fourteen Other Challenges to National Advertising Resolved

New York, May 15.—The national Advertising Division (NAD), of the Council of Better Business Bureaus announced that an advertiser has referred a disputed matter involving national advertising to the National Advertising Review Board (NARB), according to NAD's April activity report, issued today.

The matter referred to NARB involved advertising for a furniture polish. The advertiser disagreed with NAD's finding that the advertising suggested overall superiority for the advertiser's product, based on a demonstrated superiority in cleaning a particular stain. The advertising compared the advertiser's product to a major competitor's.

The monthly report also showed that NAD resolved fourteen other challenges to national advertising in April.

Seven matters were resolved when advertisers agreed to modify or discontinue challenged copy claims. These matters involved a diet program, a dishwasher detergent, a poultry coating mix, tires, tomato juice and two toy products. The latter two matters were handled by the Children's Review Unit of NAD.

Seven other challenges resulted in a finding by NAD that the advertisers had substantiated their copy claims. In this category the products or services advertised were air tours, a cold water wash, a bread, a hemorrhoid ointment, paper towels, disposable diapers and insulation.

The following summarizes NAD activity during April:

UNRESOLVED MATTERS REFERRED TO NATIONAL ADVERTISING REVIEW BOARD (NARB)

All matters referred to NARB by NAD or an advertiser are unresolved and no inferences should be drawn as to their merits until NARB issues its decision.

The Drackett Company (Behold Furniture Polish)

Basis of Challenge.—In its December 16, 1974 report to the public, NAD stated that the advertiser was using television commercials which featured side-by-side demonstrations. These demonstrations compared the efficacy of Behold to competing Pledge and Lemon Pledge in the cleaning of "waxy grease marks", which were identified as such.

In its report, NAD concluded that it was improper for the commercial to suggest overall product superiority based on a demonstrated superiority in cleaning only one type of stain (waxy grease marks).

Although not accepting the basis or logic of NAD's conclusion the advertiser, in a spirit of cooperation with self-regulatory aims, agreed to discontinue the commercials as then shown and to revise them in an effort to avoid the problems found. Indeed, NAD consulted with the advertiser thereafter and agreed that a revised version of the commercials appeared satisfactory. Notwithstanding the efforts of NAD and the advertiser, it subsequently still appeared to NAD that the revised version left a net impression of overall superiority and should be withdrawn. The advertiser has disagreed with NAD's conclusion and appealed the decision to the National Advertising Review Board (NARB).

ADVERTISING MODIFIED OR DISCONTINUED

The fact that advertising has been modified or discontinued, as reported in the following matters, is not to be taken as an admission of impropriety on any advertiser's part. In some cases, advertisers have voluntarily changed or discontinued advertising in cooperation with NAD's self-regulatory efforts. In others, advertisers have discontinued challenged advertising for their own reasons but have agreed not to run it again without consulting NAD or furnishing appropriate substantiation, if not previously supplied.

American Consumer, Inc. (Health Watcher Diet)

Basis of Challenge.—Print advertising prominently featured the headline: "3 Famous Fat-Melters Kelp, Lecithin, Vitamin B6, Plus B Complex All in One Tiny Dynamite Tablet," followed by the statement, "You can lose 12 pounds in 2 weeks without a single hunger pang!" "Diet" was mentioned as part of the program, but NAD felt the reference was overshadowed by the prominence given to Kelp, Lecithin and Vitamins as "fat melters," creating an impression that they are the chief factors in the weight reduction plan. Medical authorities hold that vitamins have no slenderizing properties whatsoever, and play no part in the actual loss of weight. Weight loss will result only from reduced caloric intake, possibly aided by a regimen of exercise. In requesting clinical test data in support of the claims NAD was advised that the advertising has been terminated. If it is resumed, appropriate consideration will be given to NAD's comments.

Calgon Consumer Products Company, Inc. (Calgonite 211 automatic dishwasher detergent)

Basis of Challenge.—Print and television claims: "Use Calgonite. It cleans the clearest of all leading dishwater detergents . . . has more detergent power than those other brands."

Advertiser submitted test data compiled by an independent testing laboratory, comparing Calgonite to four other leading national brands of automatic dishwashing products. Sets of glasses were subjected to uniform washing cycles and rated on three conditions: spotting, streaking and filming. Calgonite proved superior in these independent tests. The superiority was also demonstrated in the advertiser's own laboratory testing.

NAD was of the opinion, however, that the independent test data required a larger base to provide sufficient statistical support of the superiority of Calgonite over one of the competing brands. While the advertiser disagreed with this finding, it advised that the questioned claim has been discontinued and will not run again.

Advertiser's Statement.—"Calgon appreciated NAD's acknowledgment that Calgonite's superiority was demonstrated by an independent testing laboratory and by Calgon's own research staff. We believe our data demonstrated such superiority notwithstanding NAD's opinion that the base was not large enough to support the superiority of Calgonite over one of the other brands of dishwasher detergent. The claim in question is being discontinued because a new advertising campaign is being prepared for publication and broadcast use."

General Mills, Inc. (Crisp 'n Tender coating mix for chicken)

Basis of Challenge.—Print advertisements and promotional materials claimed that Crisp 'n Tender "was preferred by a substantial margin over Shake 'n Bake in an unbranded 'leg-to-leg' product test." In addition, advertising claimed: "We guarantee you'll like it better than the leading brand" and Crisp 'n Tender makes chicken "That is superior to the leading brand." Since the advertising and promotion of the product had ceased, and the test market phased out, the advertiser indicated that expeditious resolution of the matter need not involve an in-depth study of the claims' substantiation. However, if the product were to be re-introduced with the former advertising campaign, the substantiation will be made available to NAD for its consideration in advance.

Javelin Corporation, Formula I Division (Formula Super Stock Tires)

Basis of Challenge.—Print advertising and a promotional brochure presented the results of a tire tread wear test between the Formula I Super Stock Tire (a bias-belted tire) and the Goodyear Rally GT60 and Mickey Thompson Holley 60 tires (bias-ply tires), claiming that the Formula tire out-performed the competitors. While a review of the test results indicated that the claim was true, NAD was advised that a bias-belted tire design provides an advantage of long wear and good mileage over a bias-ply tire. Since this fact was not disclosed in the advertisements, NAD felt that the comparison was unfair. The advertiser submitted revised ad copy to clarify that the Formula Super Stocks were bias-belted and competitive tires were bias-ply. Promotional brochures were also revised, making the consumer aware of the type of construction of all the tires compared.

Libby, McNeill & Libby (Tomato Juice)

Basis of Challenge.—Several television and radio commercials compared the nutritional values of tomato juice with orange juice. One radio commercial stated "What has orange juice got more of? More calories and more carbohydrates. Twice as many as Libby's tomato juice. So Libby's tomato juice is a little nicer for your figure. Well, what about Vitamin C? Six ounces of Libby's tomato juice gives you 40 per cent of the recommended daily allowance.' '

NAD felt that the advertiser was making an incomplete comparison between the nutritional values of tomato juice and orange juice. While it is true that six ounces of tomato juice provide about 40 per cent of the Recommended Daily Allowance (RDA) for Vitamin C, it is also true that an equal amount of orange juice provides about 150 per cent of the RDA for Vitamin C. The latter fact was not mentioned. Consumers might be led to believe that tomato juice's Vitamin C content was comparable to that of orange juice, due to the omission. The other nutritional comparisons in the commercial were complete and accurate. Advertiser agreed to discontinue this particular commercial and future advertising will reflect NAD suggestions.

Other radio and television commercials which made nutritional claims for tomato juice were found acceptable by NAD.

Mattel, Inc.—Mattel Toys Division (Tuff Stuff Play Camera)

Basis of Challenge.—A portion of a television commercial was questioned as possibly misleading to children under the Children's Advertising Guidelines. The product, a "play" camera, is not capable of recording or playing back images. It "makes things flicker as you turn the handle." This is established in the opening portion of the commercial, when a child is shown looking at a fishbowl through the camera. However, a later repetition of the fishbowl sequence seemed to suggest, in the opinion of NAD, that the "play" camera permitted a child to play back sequences recorded earlier. The advertiser subsequently submitted a revised version of the film without the sequence in question. The film, NAD was advised, had been produced for "marketing reasons" rather than for "concerns referenced by the Children's Review Unit." NAD was assured, however, that the commercial in its original form was no longer running and that it would not be scheduled in the future without prior consultation with NAD.

Milton Bradley Company (Battleship Game)

Basis of Challenge.—This television commercial was questioned under the Children's Advertising Guidelines. Concern was raised about a sequence which featured a young boy flipping backwards off a pier into the water. This presented a potential safety problem, in NAD's opinion, in that a child viewing the commercial might imitate this action to his harm. The advertiser did not agree with NAD's view, but advised that the commercial was no longer running and that NAD's comments would be reflected in future advertising for this product.

ADVERTISER SUBSTANTIATION REVIEWED AND FOUND ACCEPTABLE

NAD's findings are based on its own review and evaluation of advertiser substantiation and, where necessary, on consultation with outside technical experts and the use of independent testing laboratories and other organizations.

Air India (Group Inclusive Tours (GIT))

Basis of Challenge.—Print advertising failed to disclose GIT departure dates. GIT fares are available to persons wishing to travel in a non-affinity group. They must purchase a tour package organized by the carrier or a wholesale tour operator, either of whom must assemble the necessary minimum of persons required for a GIT fare, 15 days before departure. NAD solicited Air India's agreement to include departure information in future advertising. NAD was informed it would be unfair to single out Air India since their major competitors in the transatlantic market also do not disclose GIT departure dates. NAD then contacted other members of the industry to seek their cooperation in incorporating this information in future advertising. The responses clearly reveal the impracticability of including specific departure dates in all advertising, under the concept of GIT travel. Hundreds of departure dates may be involved. The advertising was therefore found acceptable in this and other respects. (Note: The Civil Aeronautics Board's regulations do not impose a requirement to indicate departure dates.)

American Home Products Corporation—Boyle-Midway Division (Woolite cold water wash)

Basis of Challenge.—NAD requested documentation substantiating the safety and efficacy of Woolite in light of a television claim: "Woolite and cold water safely soaks fine washables in three minutes without shrinking, stretching or fading." Additionally, the statement was made that washing two knit pant suits at home in Woolite would save a $4.50 dry cleaning bill. This latter claim was also investigated for accuracy. The advertiser submitted data which included the results of before and after tests, conducted at the Product Evaluation Laboratory of Boyle-Midway on garments made from a large spectrum of fabrics used in the clothing industry. Shrinking, stretching and color data relating to the garments were compared before and after Woolite washing. These data, in NAD's opinion, supported the safety and efficacy claims made. An NAD check on a number of dry cleaners revealing that a $4.50 bill for dry cleaning two knit pant suits is not atypical. The claims were therefore deemed substantiated.

Arnold Bakers, Inc. (Arnold Wheat Berry Loaf)

Basis of Challenge.—Print advertising stated "You get more than one pound—you get 20 full ounces—so you get more value, too." Advertiser provided retail pricing data indicating a price per ounce advantage for its 20-ounce Wheat Berry Loaf compared to a major competitor's price per ounce for a 16-ounce size. In NAD's opinion, this and other information supported the "more value" claim.

Ciba Geigy Corporation—Madison Laboratories Division (Nupercainal, anesthetic ointment for hemorrhoids)

Basis of Challenge.—Print advertising made the following claims: "The one you hear about more from your doctor"; "But ask your doctor about Preparation H vs. Nupercainal and, chances are, he'll recommend Nupercainal"; "Only Nupercainal contains a local anesthetic Dibucaine"; "Doctors have recognized that, in many cases, Nupercainal gives fast, temporary relief from hemorrhoidal pain and itching."

Advertiser provided procedures and results of independent audits reflecting all mentions or uses of drug items in private doctors' practices (based on a projectable simple of all U.S. physicians normally engaged in private practice). The audits also reflected the number of actual prescriptions filled by registered U.S. pharmacists (based on a stratified random sample of pharmacies representative of national prescribing activity). While advertiser's product and its named competitor's product do not require a prescription the aforementioned data was appropriate to substantiate the usage claims.

Regarding the efficacy claim, it is generally recognized that while there is no proven medical treatment to cure hemorrhoids, there are ointments and other preparations for external application which are of palliative value in relieving certain uncomfortable symptoms. Medical advice is always recommended, however, if the specific cause of symptoms is not known. Advertiser appropriately restricted its claims and the documentation satisfied NAD that the claims which were used were substantiated.

Crown Zellerbach Corporation (Chiffon Sun Fresh and Spill-Mate 2-Ply Paper Towels)

Basis of Challenge.—Print advertising claim: "Here are two towels that absorb more and faster than the leading brand." This advertising reaches only the Western markets of Northern California, Southern California, Phoenix, Denver, Seattle and Portland. NAD was informed that by "leading brand" the advertiser referred to the leading 2-ply brand in one marketing area and the leading 1-ply brand in another. According to Selling Areas Marketing, Inc. (SAMI) data the competitive 2-ply brand is the leading brand in the West, while the advertiser's own 1-ply brand second, and a competitive 2-ply third. Tests were performed by the advertiser's research and development staff of 45 samples of Chiffon, 35 samples of the competitive 2-ply brand, and 35 samples of the competitive 1-ply brand. The speed and quantity of absorption readings were then averaged. In NAD's opinion the data substantiate the claim insofar as it relates to the marketing areas mentioned and the products compared against in those markets.

Johnson & Johnson (Disposable Diapers)

Basis of Challenge.—Television and print advertisement compared the absorbency of Johnson & Johnson disposable diapers to other diaper products. In a blotter demonstration, the voice-over states "We're pouring water on Johnson's, another leading disposable and cloth. Next, we put on blotters. These triplets show what happens when babies sit." NAD questioned whether this demonstration reflected actual use conditions. The advertiser provided an explanation of this demonstration method and supporting laboratory data. Based on this evidence, NAD found the blotter demonstration to be a fair comparison of the diaper products.

In a "squeezing" demonstration in another commercial, sections of the *inner* padding of the Johnson diaper was compared to the *entire* inner padding of the other disposable diaper to show the absorbency difference. NAD questioned the fairness of this demonstration on the grounds of comparing unlike elements. The advertiser explained that the purpose of the comparison was primarily to show the unique construction of the Johnson diaper and provided data which supported the performance benefits of this unique construction. Based on this evidence NAD found the visual sequence in this demonstration to be a fair comparison of the diaper products. However, the advertiser agreed to audio changes to clarify for consumers the differences in diaper construction and the reason why only the top layer of Johnson's padding was squeezed. NAD felt this modification would adequately explain the demonstration.

The advertiser also claimed Johnson's to be "driest" of all disposable diapers. Laboratory data and consumer in-use research substantiated this claim, in NAD's opinion.

Owens Corning Fiberglas Corporation (Insulation)

Basis of Challenge.—Television claim: "Insulate your attic yourself with Fiberglas 6 inches thick. You'll save a total of— (figure varied according to market where advertising appeared) a year on air conditioning and heating."

Advertiser submitted calculations establishing fuel savings in an average attic (1000 sq. ft.) after the addition of 6 inches of fiberglas insulation (FHA minimum standard) to a previously uninsulated attic. Advertiser-conducted research determined at least 18 million homes have little or no insulation. In the southern and middle zones where there is a high air-conditioning usage, advertiser averaged the heating (gas) and air conditioning (electric) savings and combined the figures for a total saving. In the northern zone, only the gas (heating) saving was used. Calculations were based on current gas rates (for heating) and electric rates (for air conditioning), checked quarterly, for all the markets in which the ads were to be run.

NAD was satisfied that the procedures and calculations were sound and supported the "savings" claim. In the interest of clarity, however, the advertiser has agreed to indicate the size of the attic in future advertising of this type.

The Council of Better Business Bureaus' National Advertising Division handles investigative work for the advertising industry's self-regulatory mechanism. It reviews and evaluates all challenges to the truth and accuracy of national advertising brought by outside sources or initiated by NAD as a result of its own monitoring of print and broadcast advertising.

Following its investigation NAD will dismiss or uphold the challenge, requesting in the latter event modification or withdrawal of the questioned advertising. The results of NAD's investigations are detailed in a monthly report that is made public.

The National Advertising Review Board (NARB) functions as an appeals body on advertising matters investigated originally by NAD. Five-member adjudicative panels drawn from NARB's 50 advertiser, advertising agency and "public" members evaluate advertising referred to the Review Board by NAD, an advertiser or a complainant. Panel findings and opinions are publicly disclosed.

[News from NAD for release Tuesday, April 15, 1975]

FOURTEEN CHALLENGES TO NATIONAL ADVERTISING RESOLVED BY NAD IN MARCH

NEW YORK, N.Y., April 15.—The Council of Better Business Bureaus' National Advertising Division (NAD) resolved fourteen challenges to national advertising in March.

Ten investigations were concluded when challenged advertising was either discontinued or when advertisers agreed to modify copy claims. These matters concerned a "gold bar" pendant, bath soap, a hair setting lotion, a toilet bowl cleaner, a "chiropractic mattress," *a stamp offer*, orange juice, pendants, *animal models*, and a "slimming" system.

NAD found that in four instances substantiation provided by advertisers supported their copy claims. In this category the advertised items included a songwriters' competition, an anti-perspirant, automobiles and a cat food.

The following summarizes NAD activity during March:

ADVERTISING MODIFIED OR DISCONTINUED

The fact that advertising has been modified or discontinued, as reported in the following matters, is not to be taken as an admission of impropriety on any advertiser's part. In some cases, advertisers have voluntarily changed or discontinued advertising in cooperation with NAD's self-regulatory efforts. In others, advertisers have discontinued challenged advertising for their own reasons but have agreed not to run it again without consulting NAD or furnishing appropriate substantiation, if not previously supplied.

American Consumer (Swiss "Gold Bar" Pendant)

Basis of Challenge.—Print advertising described the product as "in 24K Gold Electroplate"; "24 karat gold plate"; and "identical to the same genuine gold bar pendant we have actually sold for $260.00!" It was pointed out to the advertiser that the Federal Trade Commission prohibits use of a karat designation for an electroplated covering and that such articles may only be described as "gold electroplated." As to the comparative price claim, NAD felt that while the pendant offered may resemble in outward appearance the solid gold pendant, it obviously cannot have the identical characteristics of the solid gold bars nor the identical gold content. It was recommended that this statement be eliminated or appropriately modified.

NAD was advised that the advertising has been withdrawn. If the advertiser decides to advertise the product at a future date, the copy will be revised to reflect NAD's comments.

Armour-Dial, Inc. (Family Size Dial Soap)

Basis of Challenge.—Print advertising, stating "Better yet, you still get all the deodorant protection Dial is famous for. In fact, now you get even more of it with Family Size Dial." was questioned because of the possible implication that additional deodorant protection was available in the new size bar because of its formulation. The advertiser, although it believed that the consumer would understand the claim to mean that the additional protection comes from the fact that the bar is larger," advised NAD that the copy in question would be deleted from future advertising so as to avoid any misinterpretation.

DEP Corporation (Dep Set hair setting lotion)

Basis of Challenge.—Print claim: "Wheat Germ. The Natural Vehicle for Vitamin E—stimulates the hair structure for liveliness." While it may be true that the use of Dep Set will result in a hair condition of new liveliness NAD concluded, after a review of advertiser-submitted clinical studies and consultation with outside experts, that this is not specifically due to the inclusion of Vitamin E. NAD therefore requested that advertising suggesting that "Vitamin E stimulates the hair structure for liveliness" be discontinued.

The advertiser disagreed with the opinion of NAD, but advised that the advertisement had been discontinued. Future advertising will reflect NAD's findings.

The Drackett Company (Crystal Vanish Toilet Bowl Cleaner)

Basis of Challenge.—Television claims: "In the bowl Vanish crystals actually release twice the stain fighting power of the liquid. Vanish not only disinfects, it deodorizes better . . ."

Advertiser provided laboratory procedures and test results relating to stain removal and deodorizing performance. In NAD's opinion, the results substantiated the corresponding claims.

NAD was concerned however that the juxtaposition of the words "disinfects, deodorizes better," creates the impression that the product disinfects better, which is not the case. The advertiser advised that the commercial is no longer running and there is no intention of running it again. While the advertiser felt the commercial clearly limited the comparative to the deodorization claim, it will seek to avoid the juxtaposition of the deodorization and disinfecting claims in future advertising.

Eclipse Sleep Products, Inc. (Eclipse Chiropractic Mattress)

Basis of Challenge.—Television advertising stated: "This is the only nationally advertised mattress designed to be called 'chiropractic'" and "it's the Eclipse Chiropractic with exclusive spring lock construction which prevents edge sag and provides one-third more sleep surface." After reviewing the substantiation for these claims NAD is satisfied that the mattress is constructed in accordance with the design and specifications of the Posture Committee of the American Chiropractic Association. In connection with the "one-third more sleep surface" claim NAD was furnished reports on tests undertaken in 1952 and 1964 by an independent testing laboratory which, in NAD's opinion, only demonstrated that the Eclipse, with its "Springwall" construction was found to be 33⅓ percent more sag-resistant than three competitive mattresses. In view of the remote relationship between "sag-resistance" and 'more sleep surface" it was recommended that the reference to sleep surface be eliminated. The advertiser felt the claim was true but, nevertheless, agreed to discontinue it. New advertising material is in process of preparation.

Empire Stamp Corporation Ltd., Empire Stamp Company Division ("Rare Stamp Free" offer)

Basis of Challenge.—Comic book advertising, offering a free stamp, was questioned under the Children's Advertising Guidelines. Since the stamp was described as "rare," NAD felt it could be considered as representing a reasonably expensive and hard-to-obtain item. The advertiser advised that the stamp involved was a 1911 German Morocco mint issue. NAD learned it had a catalogue price of only thirty (30) cents and was relatively easy to obtain. Advertiser agreed to discontinue the questioned copy and will submit revised future copy to NAD for comment.

The Florida Citrus Commission (Florida Orange Juice)

Basis of Challenge.—A newspaper advertisement featured an in-ad coupon worth 15 cents. The ad copy stated "Now you can save 15¢ on any brand, size or form of 100% pure Orange Juice from Florida." However, the print on the coupon proper noted that the offer was applicable only on specific purchase combinations. NAD felt that the ad copy might be confusing to the consumer, leaving the impression that the offer was good even on a single unit of the product. In the interest of clarification, the advertiser will make appropriate copy changes in future advertising of this type.

Jay Norris Corporation (Praying Hands Pendant) and American Value (Aztec Sun Calendar Pendant)

Basis of Challenge.—Print advertising for Jay Norris Corporation and its affiliate, American Value, described the products as "18K Gold Plate." NAD requested substantiation regarding the propriety of the description. NAD also furnished the advertisers with NAD's analysis of the Federal Trade Commission's rules as they apply to "Gold Plate" and "Gold Electroplate." Advertisers conceded that their descriptions were incorrect in both instances. They agreed to correctly describe these pendants in future advertising as "Gold Electroplate." (Note: FTC rules do not permit a karat designation for gold electroplated articles).

Revell, Incorporated (Endangered Animals Models)

Basis of Challenge.—Print advertising for the line of Endangered Animals models made repeated references to the size of the animals on which the models are based, e.g. "gigantic Mountain Gorilla," "America's largest soaring bird (condor)," "second largest land mammal (rhino)" and "huge, powerful creatures." However, the actual scale of the models was not presented and was therefore contrary to the Children's Advertising Guidelines which call for scale disclosure. Additionally, NAD felt the copy "All the action and fury of the real animals," attributed to the toy models, was an exaggerated performance claim. The advertiser advised NAD that not disclosing scale was an oversight and agreed that the copy in question was an overstatement. The advertisement will not be used again and future advertising will reflect NAD's suggestions.

Weider Health and Fitness, Inc. (Slimmers Glove System)

Basis of Challenge.—Print advertising prominently featured the headline "A slimmer you . . . begins with your next bath" followed by: "Slimmers Glove System beautifies your skin . . . reduce hard-to-lose fatty deposits clinging to your waistline, hips and thighs . . . and do it simply beginning with your next bath" and "Lose inches . . . Lose Pounds." In NAD's opinion, reference in the copy to diet, massage and exercise as part of the "System" was overshadowed by the headline and the name of the system, creating the impression that one could "lose inches and pounds" without dieting and exercise. NAD was advised that the advertisement had been replaced by new copy. The words "more beautiful" are substituted for the word "slimmer"; the system is now identified as "Parisian Slimmers System"; and the advertising gives more prominence to the roles of diet and exercise. NAD also concluded that this revised copy eliminates the implication that the "glove" is the primary basis for any weight loss.

ADVERTISER SUBSTANTIATION REVIEWED AND FOUND ACCEPTABLE

NAD's findings are based on its own review and evaluation of advertiser substantiation and, where necessary, on consultation with outside technical experts and the use of independent testing laboratories and other organizations.

American Song Festival (Songwriters' competition)

Basis of Challenge.—The advertiser was asked to substantiate these television claims: "The 1975 American Song Festival competition, it's about the surest and easiest way to know how to get your songs heard by a music business pro"; "Last year's songwriters won about $128,000 in cash" and "(they) made some good record company deals." NAD received substantiating data which (1) fully explained the judging procedures of the competition, (2) included a list of the judges used in 1974 along with their music business credentials, (3) noted that Henry Mancini was presently recruiting the 1975 judges, (4) accounted for the $128,000 prize money that is distributed among the 36 semi-finalists and (5) listed the "record company deals" made as a result of the 1974 competition held at Saratoga Springs, New York last summer. It was the opinion of NAD that the material substantiated the claims questioned.

Armour-Dial, Inc. (Dial Very Dry Anti-perspirant)

Basis of Challenge.—Television and print claims: "Like Arrid, (Dial Very Dry) is anti-sticky. Like Sure, it can keep you drier. And it's anti-stain, like Right Guard. Dial Very Dry. It's an anti-wetness, anti-sticky, anti-stain anti-perspirant. It does it all."

To support the claim that Dial Very Dry, like Arrid Light Powder, is anti-sticky, the advertiser provided procedures and results of a consumer-use study which showed that Dial Very Dry was rated equal to all three competitive products in anti-stickiness. Laboratory test results verified the results obtained with consumers.

To support the claim that Dial Very Dry, like Sure, is an anti-wetness anti-perspirant, advertiser provided procedures and results of a laboratory efficacy study which showed that Sure and Dial Very Dry obtained similar percentages of perspiration reduction.

To support the claim that Dial Very Dry, like Right Guard Powder Dry is anti-stain, advertiser provided data which showed that Dial obtained a lower "staining score" than all three of the named competitors.

In NAD's opinion, the material submitted substantiated the claims.

General Motors Corporation (Automobile mileage claims—Oldsmobile/Omega; Oldsmobile/Cutlass Supreme; Pontiac/Catalina Sedan)

Basis of Challenge.—Print advertisements listed gas mileage results for the Oldsmobile Omega, Oldsmobile Cutlass Supreme and Pontiac Catalina Sedan. The copy noted that the tests were conducted at General Motors' proving ground and that the cars were driven at a steady speed of 55 mph in one test and at 24 mph with 1.6 stops per mile in simulated suburban/city driving.

All of the advertisements carried the disclaimer "What you'd get in a——— of course depends on how and where you drive."

Advertiser provided complete information about the testing method and the results. NAD is of the opinion that the tests supported the mileage test results set forth in the ads.

NAD recognizes the controversy surrounding gas mileage testing. The variables involved in measuring fuel economy in automobiles are numerous and no one mileage test is definitive.

Ralston Purina Company (Lovin' Spoonfuls Cat Food)

Basis of Challenge.—NAD questioned label instructions and an illustration in a print advertisement for Lovin' Spoonfuls cat food in the belief that they did not accurately depict the actual color and shape of the product.

Specifically, NAD questioned use of the phrase "tender little chunks" to describe the product.

The advertiser submitted evidence that the product had been photographed as it came directly out of newly opened cans. The advertiser also submitted results of a market research study conducted by an independent firm engaged by the advertiser. This report indicated that purchasers found no significant difference between the products' actual physical properties and their expectations of such properties as created by the advertising.

Based on the above, the issue was dismissed. However, NAD requested that the advertiser be very careful to assure accurate illustrations in future advertising.

Advertiser's Statement.—"Ralston Purina Company appreciates the opportunity it has been given to submit evidence to the NAD to alleviate reservations regarding the advertising supporting its "Lovin' Spoonfuls" cat food, and it is, of course, pleased that the NAD has dismissed its investigation.

We support the concept and the objectives of industry self-regulation in the field of advertising, and we feel that the NAD is to be commended for the manner in which it has served the consumers and advertisers in the United States as it has performed this difficult function."

The Council of Better Business Bureaus' National Advertising Division handles investigative work for the advertising industry's self-regulatory mechanism. It reviews and evaluates all challenges to the truth and accuracy of national advertising brought by outside sources or initiated by NAD as a result of its own monitoring of print and broadcast advertising.

Following its investigation NAD will dismiss or uphold the challenge, requesting in the latter event modification or withdrawal of the questioned advertising. The results of NAD's investigations are detailed in a monthly report that is made public.

The National Advertising Review board (NARB) functions as an appeals body on advertising matters investigated originally by NAD. Five-member adjudicative panels drawn from NARB's 50 advertiser, advertising agency and "public" members evaluate advertising referred to the Review Board by NAD, an advertiser or a complainant. Panel findings and opinions are publicly disclosed.

[News from NAD for release Monday, Mar. 17, 1975]

NAD RESOLVED NINE CHALLENGES TO NATIONAL ADVERTISING IN FEBRUARY

NEW YORK, N.Y.—The National Advertising Division of the Council of Better Business Bureaus resolved nine challenges to national advertising in February.

Five matters were resolved when challenged advertising was either discontinued or when advertisers agreed to modify copy claims. The advertised products in this category included a bathroom cleaner, a cold weather cream, *toys*, pantyhose and *B-B guns*.

Four challenges resulted in an NAD finding that substantiation provided by advertisers supported their copy claims. In this category the products advertised included a metal polish, automobiles of two different manufacturers and a pantyhose product.

The following summarizes NAD activity during February:

ADVERTISING MODIFIED OR DISCONTINUED

The fact that advertising has been modified or discontinued, as reported in the following matters, is not to be taken as an admission of impropriety on any advertiser's part. In some cases, advertisers have voluntarily changed or discontinued advertising in cooperation with NAD's self-regulatory efforts. In others, advertisers have discontinued challenged advertising for their own reasons but have agreed not to run it again without consulting NAD or furnishing appropriate substantiation, if not previously supplied.

The Dow Chemical Company (Dow Bathroom Clearer)

Basis of Challenge.—Television claims: "New formula Dow Bathroom Cleaner . . . now with 40% more power cleaner . . . scrubs away soap scum better than any other aerosol bathroom cleaner." The advertiser submitted laboratory procedures and results of soap scum removal tests which measured the performance of Dow Bathoom Cleaner and major competitors. In NAD's opinion the results substantiated the claim of superiority in removing soap scum.

The "49% more power cleaner" claim was based on the fact that the new formula represented a 40% increase in active ingredients over the old formula. While the claim was literally true, NAD felt it implied a proportionate increase in cleaning ability. The results of the soap scum removal tests did not indicate such a significant difference. Furthermore, NAD felt that the "40% more power cleaner" claim, when viewed in the context of the comparative copy, implied that Dow Bathroom Cleaner cleans 40% more effectively than "any other aerosal bathroom cleaner." Again, test results did not support this. NAD therefore requested that the advertisements be revised to omit references to "40% more power cleaner." The advertiser advised that this claim had been discontinued and would not be used again.

Jay Norris Corporation (Frost-Guard--a cold weather cream)

Basis of Challenge.—Print advertising contained the following claims: "KEEPS YOUR FACE WARM—EVEN ON SUB ZERO DAYS!"; "Helps prevent frostbite [illegible] and ears!"; "Frost-Guard is a fantastic cold weather cream . . . Like magic, this nongreasy, odorless, water-resistant cream forms an invisible insulating barrier that works like extra mittens or thick socks to keep in warmth—keep out cold! It helps prevent the cracks, cuts, cold sores and chapping that make you feel miserable." Upon receiving NAD's request for substantiation of the claims, advertiser advised that it had completely discontinued all advertising for this product. If this advertising is resumed in the future NAD has asked advertiser to submit proposed copy and substantiation for review prior to publication.

Johnson Smith Company (Playboy Decals and Foaming Sugar, toys)

Basis of Challenge.—Both of the comic book advertisements for the Playboy Decals and Foaming Sugar employed the word "only" immediately prior to the price of the article, contrary to the Children's Advertising Guidelines relative to price minimization. The advertiser advised NAD that the word "only" would be omitted in future advertising.

StarCrest of California (StarCrest Pantyhose)

Basis of Challenge.—Print advertisements featured a price comparison between StarCrest pantyhose and L'Eggs pantyhose. The ads contained an illustration of the L'Eggs product, but did not contain an illustration of the StarCrest product. NAD received evidence that some consumers did not realize they were purchasing a product other than L'Eggs: NAD therefore requested that future ads contain a more prominent illustration of StarCrest pantyhose. Also, NAD felt that use of the headline, "L'Eggs Well Beaten" was disparaging, and requested that it be discontinued.

The advertiser advised NAD that the advertisements in question has been discontinued prior to the NAD inquiry and were replaced by advertisements which included a prominent illustration of StarCrest pantyhose. The questioned headline had also been previously discontinued and would not be used again.

Additionally, the copy line "we're willing to lose money on this lowest-price ever sale" was challenged. The advertiser submitted accounting data which showed that the revenue deriving from the advertising did not result in a profit for the advertiser. In NAD's opinion this data substantiated the claim.

A question was also raised as to whether the advertised price comparison implied similar quality of the items compared. NAD concluded, after consultation with outside experts, that based on the quality specifications for both products and examination of the products themselves, NAD could not make a judgment of superiority for either product. NAD therefore concluded that the advertised price comparison was acceptable.

A question was also raised as to whether or not the 59¢ per pair price was misleading, as the consumer had to purchase 3 pairs in order to average a purchase price of 59¢ per paid. The present copy makes clear the requirement to buy three pairs.

Victor Comptometer Corporation.—Daisy Division (Daisy B-B Guns)

Basis of Challenge.—Print advertising reading "If you're at least eight years old, you're ready to own a Daisy B-B Gun." and ". . . talk to dad. Show him you're ready . . ." was questioned under the safety provisions of the Children's Advertising Guidelines because of the direct appeal to children of an age felt to be too young to responsibly handle a gun. Also, pressure to purchase concerns were expressed regarding the copy "Have Dad take you to the store . . ." The advertiser has submitted current print advertising which alleviates the safety concern by deleting the reference to 8 year olds and by adding copy suggesting a father's involvement in the decision-making process and at point of sale. The advertiser has also agreed to promptly revise the advertising to remove pressure-to-purchase concerns.

ADVERTISER SUBSTANTIATION REVIEWED AND FOUND ACCEPTABLE

NAD's findings are based on its own review and evaluation of advertiser substantiation and, where necessary, on consultation with outside technical experts and the use of independent testing laboratories and other organizations.

American Home Products Corporation—Boyle-Midway Division (Noxon Metal Polish)

Basis of Challenge.—Television claim: "Liquid Noxon outshines powders on five different metals." NAD reviewed data that provided the methodology and results of tests comparing the shining efficacy of Noxon to five metal powder cleaners selected by the advertiser. This documentation satisfied NAD that the claim was substantiated. NAD also satisfied itself that the powders used in the comparison were major factors in the market.

Chrysler Motors Corporation (automobile mileage claims—Dodge Dart Sport—6 and 8 cyl.; Dodge Dart Swinger—6 cyl.; Plymouth Duster—6 and 8 cyl.)

Basis of Challenge.—Advertisement compared fuel economy tests results for eight different vehicles, including advertiser's. These were set forth in a box, listing city and highway driving cycles. The number of miles travelled, average speed, number of traffic lights, number of stop signs, as well as the average miles-per-hour were given. The copy indicated the test was performed by the United States Auto Club (an independent testing organization retained by the advertiser).

Advertiser provided complete information about the testing method and the results. The United States Auto Club sanctioned, supervised and certified the results. The stated purpose of the test was to determine the comparative fuel consumption rates of various cars in the same weight class but of competitive manufacture.

NAD is of the opinion that the test supported the comparative fuel economy rates set forth in the ad.

NAD recognizes the controversy surrounding gas mileage testing. The variables involved in measuring fuel economy in automobiles are numerous and no one mileage test is definitive.

Ford Motor Company (automobile mileage claims—Comet 6 and Capri 4)

Basis of Challenge.—Advertisement listed gas mileage results for advertiser's 6-cylinder Comet and 4-cylinder Capri. The copy carried basic information about the test methodology. This included name of the testing company (General Environments Corporation), number of miles travelled, location of test (Arizona to California), equipment on car, kind of drivers and miles-per-hour.

The advertisement also carried a disclaimer: "You yourself might actually average less, or for that matter more! Because mileage varies according to maintenance, equipment, total weight, driving habits and road conditions. And no two drivers, or even cars, are exactly the same."

Advertiser provided complete information about the testing method and the results. NAD is of the opinion that the test supported the mileage test results set forth in the ad.

NAD recognizes the controversy surrounding gas mileage testing. The variables involved in measuring fuel economy in automobiles are numerous and no one mileage test is definitive.

Kayser-Roth Corporation (No Nonsense Pantyhose)

Basis of Challenge.—A television commercial for No Nonsense Pantyhose which compared that product to L'Eggs Pantyhose was questioned. The advertising stated that No Nonsense "has a sewn-on waistband. L'Eggs has a knitted-in waistband. No Nonsense has two sizes, and they're both reinforced here (showing crotch area). L'Eggs has two sizes, and only the queen size is reinforced. The regular size isn't. So which is a better value? L'Eggs Pantyhose at $1.39 or No Nonsense Pantyhose at 99¢" NAD investigated the implication that a pantyhose garment having a sewn-on waistband and a crotchpiece was qualitatively better than a garment with a knitted-in waistband and no crotchpiece. NAD also extensively investigated other possible qualitative differences of all items being compared. Use of the term "reinforcement" to denote the addition of a crotchpiece was also considered as to propriety. NAD was also concerned about the possibility of confusion regarding the price comparison, as the advertised prices referred only to regular sizes and not to queen sizes.

NAD concluded, after consultation with outside experts and a review of laboratory tests of bursting strength, that the addition of a crotchpiece to a pantyhose garment represents a significant product benefit. NAD further concluded that use of the word "reinforcement" to describe this benefit was proper since the term corresponds to a dictionary definition and the commercial makes clear, by visual depiction, the product characteristics being described. Based on a review of a market research report and the results of an in-home product test conducted by the advertiser, NAD also concluded that the construction of a waistband is of significant importance to the consumer and certainly could be advertised as a product benefit. Moreover, test results indicated that a sewn-on waistband was preferred over a knitted-in waistband.

As to a possible implication that there are only two differences between the two products (that is, crotchpieces and waistbands) NAD concluded, after consultation with outside experts, that differences resulting from the type of construction of each brand cannot be objectively judged. Therefore, omission of advertising references to the quality specifications of each pantyhose garment was not misleading.

As to the advertised price comparison, subsequently revised copy is clear in the statement that prices range *from* .90¢ for No Nonsense and *from* $1.39 for L'Eggs. Advertiser has agreed to continue accurate price statements in the future.

Advertiser Statement.—"Over the years, Kayser-Roth has expended substantial time and money in an ongoing effort to insure that its advertising is not only lawful but is fair to competitors and conveys the truth to consumers. Accordingly, Kayser-Roth is highly gratified at the NAD's conclusion that its No Nonsense Pantyhose advertising is honest and properly substantiated."

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Following its investigation NAD will dismiss or uphold the challenge, requesting in the latter event modification or withdrawal of the questioned advertising. The results of NAD's investigations are detailed in a monthly report that is made public.

The National Advertising Review Board (NARB) functions as an appeals body on advertising matters investigated originally by NAD. Five-member adjudicative panels drawn from NARB's 50 advertiser, advertising agency and "public" members evaluate advertising referred to the Review Board by NAD, an advertiser or a complaint. Panel findings and opinions are publicly disclosed.

[News from NAD for release Tuesday, February 18, 1975]

NAD RESOLVED THIRTEEN CHALLENGES TO NATIONAL ADVERTISING IN JANUARY

NEW YORK, N.Y., February 18—The Council of Better Business Bureaus' National Advertising Division (NAD) resolved thirteen challenges to national advertising in January, according to NAD's activity report, released today.

Eight challenges were resolved when the advertising was either discontinued or when advertisers agreed to modify future copy claims. The challenges involved a Social Security handbook, an electrical cord, travelers cheques, a veterans' benefits publication, *a child's watch*, a stain remover, *a toy*, and a TV publication.

Five matters were settled upon a finding by NAD that the advertising claims had been substantiated by the advertiser. These involved an insurance policy, a drain cleaner, a vacuum cleaner, a sinus medication and a vinyl coating.

The following summarizes NAD activity during January:

ADVERTISING MODIFIED OR DISCONTINUED

The fact that advertising has been modified or discontinued, as reported in the following matters, is not to be taken as an admission of impropriety on any advertiser's part. In some cases, advertisers have voluntarily changed or discontinued advertising in cooperation with NAD's self-regulatory efforts. In others, advertisers have discontinued challenged advertising for their own reasons but have agreed not to run it again without consulting NAD or furnishing appropriate substantiation, if not previously supplied.

American Consumer, Inc. (Advertisement for handbook entitled "1974 Citizen's Guide to Social Security")

Basis of Challenge.—Print advertising set forth a list of subjects dealt with in the handbook. NAD felt that certain of these statements had the capacity to mislead and requested appropriate modifications. The requested modifications, in most cases, represented variations in wording to more accurately describe the facts and/or circumstances surrounding eligibility for Social Security benefits. Advertiser agreed to modifications and a deadline was agreed upon for removal of the original advertising.

Avnet, Inc.—Carol Cable Company Division (Carol Electrical Cord Set)

Basis of Challenge.—Trade press advertising contained the following statement: "Big volume and profit too, now that electrical living has gone to the great outdoors. Consumers are demanding Carol Cord Sets like this—with list price tags like $1.00–$12.00, and even higher—to power lawn mowers, hedge trimmers, pool lights and pumps, and countless other appliances that are turning outdoor living into electrical living." An accompanying illustration showed a cord which Underwriters' Laboratories (UL) does not list or recommend for *outdoor use.* NAD learned from advertiser that an old advertisement was inadvertently used and copy was not checked prior to publication. Advertiser conceded that the cord illustrated does not meet UL requirements for outdoor use, and assured NAD that use of an incorrect illustration will not be repeated.

Advertiser's Statement.—"Carol Cable does manufacture a complete line of extension cords that is listed by UL for outdoor use. In the future the advertisement will show photographs of those cords."

Thomas Cook Bankers, Ltd. (Travelers Cheques)

Basis of Challenge.—The following print advertising claims were investigated: "The man who invented the Cooks Tour also invented the best way to enjoy it. Back in 1874 Thomas Cook realized that his clients could enjoy travelling a lot more if they didn't carry cash. So he created the 'circular note.' It was the forerunner of the travelers cheque." The overall impression was that Thomas Cook invented the travelers cheque as it is known today. The second claim: "Safe. They're backed by over 15 billion dollars in assets" implied that refund or replacement of the travelers cheques is guaranteed by an organization with over 15 billion dollars in assets, whereas the Thomas Cook Group is *part* of a corporate group with total assets of over 15 billion dollars. Advertiser took the position that its advertising was correct and not misleading but nevertheless agreed to modify the statements to read: "The man who invented the Cooks Tour also *showed* people the best way to enjoy it." . . . "So he *issued* his 'circular note.'" The identity of the circular note will be strengthened by including an illustration of it and rewording those parts dealing with it. The composition and layout of the advertisement will be rearranged to more clearly indicate that the "safe" feature applies to refund or replacement that can be arranged in over 20,000 locations. The statement "Thomas Cook is part of a corporate group with over 15 billion dollars in assets," will not appear under the caption "Recognized."

Advertiser's Statement.—"Thomas Cook believes the strength of advertising lies in its truthful representation of the attributes of its products. Where differences of opinion on the meaning or impact of our messages exist, we will always respond to a fair criticism of our efforts. We are happy that the NAD provides an impartial forum for the presentation and resolution of these differences."

Good News Publishing Company (Publication: "How to Get What the U.S. Government Owes Veterans and Their Dependents")

Basis of Challenge.—Print advertisements claimed to give accurate information about GI Benefits. Several alleged errors had been brought to the attention of NAD and concern evinced for the misleading impression that any veteran is eligible for thousands of dollars in benefits. This may or may not be true, depending on the circumstances in each individual case. Advertiser advised NAD that the advertisement will not be run again.

Harvey World Famous Comics, Inc. (Casper Watch)

Basis of Challenge.—A print advertisement for Casper Watches raised concerns under the Children's Advertising Guidelines in the area of undue pressure to purchase by use of the phrase "ask Mom and Dad to get one for you." NAD felt this aspect of the advertisement was inappropriate and could cause unnecessary conflict between parent and child. Advertiser agreed to reflect NAD comments in future copy although it did not agree with NAD's interpretation of the advertising.

Jay Norris Corporation (Sink n' Tub Jell)

Basis of Challenge.—Print mail order advertisement described the efficacy of the product on "any kind of stain" on various surfaces without "hard rubbing, scrubbing or scouring" and stated "it's so safe you can wash your hands with it." NAD had been advised that the product advertised as Sink n' Tub Jell was actually labelled "Heddy Bath and Sink Rust Stain Remover Jell" and that directions on the container said, "Warning: contains Phosphoric Acid. Avoid contact with eyes or skin. Rubber gloves are recommended." Advertiser advised NAD that the advertisement would not be run again without modification.

Schaper Manufacturing Company (U-Fly-It Carrier Set, a toy)

Basis of Challenge.—A television commercial showed the aircraft carrier model in a manner that did not allow for a clear understanding of its actual size. The carrier's plane appeared, in some sequences, to fly freely and under its own power when, in fact, it must be operated on a "wire" that has to be attached or held at the end opposite the activator. Additionally, it was not disclosed that the set required home assembly. NAD was informed that the commercial had been discontinued for business reasons. If the advertiser decides to advertise the product at a future date, the commercial will be revised to reflect NAD suggestions.

Triangle Publications Incorporated (TV Guide)

Basis of Challenge.—Direct mail solicitation for renewal subscriptions to TV Guide at $9.50 for one year contained the representation: "Little more than a penny a day delivers copies right to your home each week." In reality, the subscription price quoted brought the actual cost to slightly more than 2.6¢ a day. NAD was told that the renewal promotional material had been corrected. It was explained that some old mailing pieces had been used inadvertently. Steps have been taken to assure that the old material is destroyed.

ADVERTISER SUBSTANTIATION REVIEWED AND FOUND ACCEPTABLE

NAD's findings are based on its own review and evaluation of advertiser substantiation and, where necessary, on consultation with outside technical experts and the use of independent testing laboratories and other organizations.

Farmers Insurance Group (Non-Smoker's Auto Insurance Policy)

Basis of Challenge.—Print advertising in several states set forth in tabular form a comparison of advertiser's rates for a non-smoker's auto insurance policy with the rates of non-specified competitors, for certain coverages which were detailed. The advertiser's rates were lower than the competitive rates. In its investigation, NAD obtained the actual names of the competitors in various states who were anonymous in the ads. These proved to be important factors in the auto insurance business and were judged to be representative. As a further precaution, NAD had the advertiser provide rates of several other competitors in various states who were *not* mentioned in the advertising. Upon review, NAD decided that the rates of the competitors which were used in the advertising were not atypical.

NAD did not pursue its investigation beyond the advertising claims discussed. It was felt that matters such as the actuarial basis for the offering and details of the advertiser's selling practices were the province of the insurance regulatory officials in the states where the policies are offered.

Glamorene Products Corporation (Drain Power)

Basis of Challenge.—Print and television claims: "Drain Power . . . can unclog a drain in one second . . . by using pressure instead of caustic chemicals." The advertiser submitted test procedures and results of extensive consumer research which showed that when used as directed, the product performs as advertised.

The Hoover Company (Hoover Celebrity Vacuum Cleaner)

Basis of Challenge.—Print claim: "The new Hoover Celebrity. The most powerful home vacuum cleaner you can buy." The advertiser provided results of comparative tests conducted in accordance with industry-accepted test procedures, between the Hoover vacuum and competitive high-power vacuum cleaners. These results were verified by an independent testing laboratory and showed that the Hoover vacuum scored highest in the following areas: sealed suction; bag area; bag volume; horsepower; peak horsepower; performance against dirt. In NAD's opinion, this material substantiated the claim.

Johnson and Johnson (Sine-Aid)

Basis of Challenge.—Television claim: "Ordinary headache tablets don't relieve" the sinus headache problems of "pressure and pain" whereas Sine-Aid, "containing two medicines" does. The advertiser submitted laboratory test procedures and results which showed that their product was superior to ordinary headache medications in providing relief of sinus headache, frontal pressure and pain. In NAD opinion, this material substantiated the claim.

Reed-Union Corporation (Nu-Vinyl coating)

Basis of Challenge.—Television claims: "It's a clear vinyl coating that restores the lustre;" "Makes your car top look like new again;" "restores new car beauty to your car's vinyl upholstery;" ". . . just one application will protect your vinyl top month after month;" "this one bottle will keep your car top looking showroom-new for three years or more." Data was submitted on testing performed by an independent testing laboratory to evaluate the performance of Nu Vinyl. Such testing simulated long-term exposure to natural weather with extremes of heat and cold. The testing indicated no apparent loss of gloss after 250 hours (equal to eight months of outdoor exposure). The tests also demonstrated Nu Vinyl's effectiveness in improving the visual qualities of the surface to which it is applied. Based on the data reviewed, NAD felt the claims were substantiated.

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Following its investigation NAD will dismiss or uphold the challenge, requesting in the latter event modification or withdrawal of the questioned advertising. The results of NAD's investigations are detailed in a monthly report that is made public.

The National Advertising Review Board (NARB) functions as an appeals body on advertising matters investigated originally by NAD. Five-member adjudicative panels drawn from NARB's 50 advertiser, advertising agency and "public" members evaluate advertising referred to the Review Board by NAD, an advertiser or a complainant. Panel findings and opinions are publicly disclosed.

[News from NAD for release Wednesday, January 15, 1975]

NAD RESOLVES TWELVE CHALLENGES TO NATIONAL ADVERTISING IN DECEMBER

NEW YORK, N.Y., January 15—The National Advertising Division (NAD) of the Council of Better Business Bureau resolved twelve challenges to national advertising last month, according to NAD's December activity report, released today.

Seven matters were concluded when the advertising was either discontinued or when advertisers agreed to modify future copy claims. These investigations involved a vibrator, automobiles, hair shampoo, scissors, color television sets, *a toy* and a plastic covering.

Five challenges resulted in a finding by NAD that the advertising claims had been substantiated by the advertiser. These involved a medicated shampoo, an inhalant, a phonograph record and *two toys.*

The following summarizes NAD activity during December:

ADVERTISING MODIFIED OR DISCONTINUED

The fact that advertising has been modified or discontinued, as reported in the following matters, is not to be taken as an admission of impropriety on any advertiser's part. In some cases, advertisers have voluntarily changed or discontinued advertising in cooperation with NAD's self-regulatory efforts. In others, advertisers have discontinued challenged advertising for their own reasons but have agreed not to run it again without consulting NAD or furnishing appropriate substantiation, if not previously supplied.

American Consumer, Inc. (EVN Electro Vibrators)

Basis of Challenge.—Print claims: "Now, from the beauty salons of Europe comes the scientific invention that does the exercise for you! The machine that attacks Cellulite!" and "Cellulite cannot be eliminated by diet!" The overall implication was that "unsightly bumps, lumps and bulges" will be eliminated through use of this passive vibrator device. Medical opinion is that massage, alone, is worthless for the reduction or removal of fatty tissue or muscular tissue from beneath the skin of that part of the body which is massaged. The advertiser reviewed the claims made by the supplier of the product and conceded that some of these were without foundation or basis in fact. They agreed to terminate use of the advertising materials supplied by the manufacturer and to modify any future advertising, using only those claims which can be substantiated. NAD received assurance that if the offer is resumed, proposed copy and substantiation will be submitted for review prior to publication.

Ford Dealers Advertising Fund (Metropolitan New York and Southern Connecticut dealer advertising)

Basis of Challenge.—Print claims: "Trade-in allowances higher at your Ford dealers!" "Ford dealers are spending more of their money so you won't have to spend as much of yours." "No one else does for you all that Ford dealers do."

While the advertiser's substantiation showed that used car trade-in values have risen since January 1974, NAD felt that the advertisement conveyed the impression that higher trade-in allowance were available only at Ford dealer, when in fact, the trade-in values have risen for most domestic makes of automobiles. Advertiser's future copy will reflect NAD's comments.

The Gillette Company (Earth Born Shampoo)

Basis of Challenge.—Television and print advertisements for Earth Born Shampoo which compared that product to Herbal Essence, Johnson's Baby, Breck, Prell, and Head & Shoulders (shampoos) were investigated by NAD. Print ads contained the following statements: "A good shampoo should be more than a pretty fragrance. More than just gentle. It should be non-alkaline, like Earth Born—should match your hair's natural pH balance—like Earth Born. Most leading shampoos can leave alkaline residue. Upset the natural pH balance of your hair." In addition, print and television ads contained the claims: "Earth Born leaves hair cleaner, shinier, softer, bouncier." After reviewing advertiser's laboratory research data, NAD recognized the possible beneficial effects of a low pH, non-alkaline shampoo in imparting the desirable characteristics of cleanliness, shine, strength, body, bounce and general healthiness to hair. Based on the data, however, NAD concluded that claims relating to softness of hair should not be comparative in nature.

Additionally, print and television ads presented a demonstration which involved dipping a "special pH test paper to measure alkalinity" into each of the shampoos and compared the results. It was claimed that "the darker the test paper turned, the higher the alkaline content. Only Earth Born didn't turn the paper dark." While the advertising claim was literally true, NAD was concerned that in an advertisement which showed and identified specific competitive products some consumers might confuse the nitrazine test paper, which measures the degree of alkalinity, with litmus paper which has only one change of color showing whether a material is on the acid or alkaline side of neutral on the pH scale. However, NAD recognized that the pH differences in the shampoo products shown in the advertisements could be demonstrated by blue litmus paper as well as nitrazine paper. NAD was also concerned that in an advertisement where specific competitive products were shown the degree of differences in color demonstrated in the nitrazine paper test might put the higher alkaline shampoos in an unfavorable light and might imply that all the competitive shampoos were alkaline in the bottle when at least one was not.

For the above reasons, NAD requested that the ads be discontinued. Gillette reaffirmed its confidence in the advertising and the substantiation for it but has advised NAD that the comparative advertsing in question had been discontinued prior to NAD's request and that such comparative advertising would not appear again without prior consultation with the NAD.

Advertiser's Statement.—"While the Gillette Company recognizes NAD's concern with the advertisements in question, the Gillette Company maintains that all of the claims in the advertisements have been fully substantiated by objective laboratory tests, consumer studies, consultations with recognized independent chemists and other research techniques. Since these advertisements are no longer being used, the Gillette Company has decided not to contest the matter further."

Jay Norris Corporation (Scissor set)

Basis of Challenge.—Print mail order advertisement described a 6-piece scissor set as "24K gold plated." NAD informed the advertiser that FTC rules do not permit electroplated items to contain a karat designation in their description. Advertiser agreed to modify copy so that the scissors will be correctly described as "gold electroplated."

The Magnavox Company (Color Television sets)

Basis of Challenge.—Print claim: "Looking for a color Portable? Magnavox beats Zenith and RCA 4 important ways . . ."; "Only Magnavox Videomatic offers the most advanced picture tube you can buy—the brighter, sharper, precision in-line picture tube—in 13", 15", 17" and 19" screen sizes." In the opinion of NAD, the copy conveyed the impression that only Magnavox exclusively offers the in-line tube and in 4 different screen sizes. The advertiser explained that Zenith does not offer the tube at all but that RCA does offer the in-line feature in 13", 15" and 17" sizes. Magnavox is therefore the only set which offers the feature in the 19" size. Future copy will clarify the factual situation.

MEGO International, Inc. (Dynamite Doll and Bike)

Basis of Challenge.—The Dynamite doll and bike were shown in a television commercial in such a manner that they appeared to be the same size as a real-life little girl and bike, shown briefly at the beginning of the commercial. Additionally, it was not clear that the batteries needed to operate the bike were not included in the basic purchase. The advertiser advised NAD that the commercial is no longer running and will not be run again in the future without consulting NAD first.

Warp Brothers (Flex-O-Glass, a Plastic Window and Door Covering)

Basis of Challenge.—Print claims: "Save up to 40 percent on fuel"; "Reduce your heating bills up to 40 percent this winter"; "Tests prove you can cut winter fuel bills up to 40 percent. . . ." Advertiser submitted the results of a test conducted on one house which NAD felt was inadequate substantiation for the claims made. NAD recommended that either more extensive testing be undertaken or that all reference to specific percentages of fuel savings be eliminated.

While the advertiser felt that the test made some time ago could be duplicated with the same results, it nevertheless agreed to discontinue the claims.

Advertiser's Statement.—"Although a test by Flex-O-Glass showed actual fuel savings of 39½ percent, this great a savings may not be realized in a poorly constructed house, or if installation was carelessly done."

ADVERTISER SUBSTANTIATION REVIEWED AND FOUND ACCEPTABLE

NAD's findings are based on its own review and evaluation of advertiser substantiation and, where necessary, on consultation with outside technical experts and the use of independent testing laboratories and other organizations.

American Home Products Corporation—Whitehall Laboratories Division (Denorex Medicated Shampoo)

Basis of Challenge.—Print claims: "Denorex cleans away dandruff like nothing you ever felt before." "Compared to the leading medicated shampoo—Denorex is extra strong. It has 50 percent more of a doctor recommended scalp medication for problems like dandruff, seborrhea, psoriasis."

The advertiser documented the fact that Denorex was unique among antiseborrheic shampoos as the only one with menthol in the formulation. Menthol provides relief by the substitution of a cool sensation for that of itching. NAD also felt that the advertiser supported its claim that it had "50 percent more of a doctor recommended scalp medication" than the leading medicated shampoo. The medication is coal tar and advertiser cited evidence that tar shampoos are "usually effective in the relief of dandruff."

Breon Laboratories, Inc. (Bronkaid Mist)

Basis of Challenge.—Television claim: "So, the next time bronchial asthma attacks—fight back. Reach for Bronkaid Mist, the fastest kind of relief possible."

Advertiser's medical director advised NAD as follows:

> "As compared with other routes of administration in treating acute attacks of bronchial asthma, the speed of relief effected through oral inhalation has been described in the medical literature as '*almost instantaneous absorption* . . .' and 'rapid.' "

Bronkaid Mist is an aerosol preparation of epinephrine, the only non-prescription drug indicated for asthma therapy which is available for oral inhalation.

Based on these statements and other documentation NAD found the claims supported.

Credit Services Inc.—The Longines Symphonette Society Division (Family Library of Beautiful Listening)

Basis of Challenge.—Direct mail print claims: "To introduce the first comprehensive listening library of beautiful music for the entire family, we want you to have Volume I—consisting of three records or two cartridges—as an outright gift!" and "You can be certain that Volume I of our new Family Library of Beautiful Listening is *ABSOLUTELY FREE* . . . not 'free if' or 'free when' but yours as a gift, with no strings attached!" The recipient of this solicitation alleged that the offer was not "free" but appeared to be contingent on the results of a credit check, a disclosure not made in the literature.

The advertiser assured NAD that the first volume is definitely free and not contingent on a credit check. Advertiser explained that the complaint which gave rise to NAD's investigation was the result of an operating problem and not a policy problem. In the opinion of NAD, the information provided supports the "free" claim.

Leisure Dynamics Inc.—Lakeside Industries Division (Cheetah Cycle, a tricycle)

Basis of Challenge.—A television commercial featured children spinning around 180 degrees while on the Cheetah Cycle. NAD questioned the safety aspects of this demonstration, on the grounds that imitation by a child could result in injury to rider or vehicle, or both. The advertiser submitted documentation attesting to the cycle's compliance with the Toy Manufacturers Association proposed safety standards and a film reel showing children testing the product safely. The cycle has a low center of gravity which inhibits easy tipping.

NAD felt the advertiser's data substantiated the safety of the product even when used to "spin out."

Louis Marx and Co., Inc. (*Big Wheel, a tricycle*)

Basis of Challenge.—Television commercial featured a group of boys spinning around 180 degrees while on Big Wheels. It was felt that such a portrayal might encourage misuse of the product and result in injury to a child. Safety research done on tricycles of all types showed that the low-slung (Big Wheel is one example) was the most stable type of tricycle. Big Wheel features rollover stability, seat height adjustability, limited steering angle and removal of the rear step bar. It was substantiated that the vehicle could not be rolled over easily in normal play. The low seat and wide track aspect of the Big Wheel offer a safety design which greatly diminishes the possibility of injury to a child. NAD therefore concluded that the commercial is not a cause for concern with regard to safety.

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[News from NAD for release Monday, December 16, 1974]

SEVENTEEN CHALLENGES TO NATIONAL ADVERTISING RESOLVED BY NAD IN NOVEMBER

NEW YORK, N.Y., December 16—Seventeen challenges to national advertising were resolved in November by the National Advertising Division (NAD) of the Council of Better Business Bureaus.

Six matters were settled when the advertising was either discontinued or when advertisers agreed to modify future copy claims. In this category, the products advertised included *a child's cotton candy maker*, furniture polish, brake relining, books-by-phone, cigarettes and *a phonograph record*.

Eleven challenges were resolved when NAD determined that substantiation provided by advertisers supported their copy claims. These matters included airline advertising, a credit card, a hair coloring, pork sausage, an eye coloring, a shampoo and hairspray ad, toothpaste, an anti-perspirant, pantyhose, a smoking deterrent tablet and an automobile.

The following summarizes NAD activity during November:

ADVERTISING MODIFIED OR DISCONTINUED

The fact that advertising has been modified or discontinued, as reported in the following matters, is not to be taken as an admission of impropriety on any advertiser's part. In some cases, advertisers have voluntarily changed or discontinued advertising in cooperation with NAD's self-regulatory efforts. In others, advertisers have discontinued challenged advertising for their own reasons but have agreed not to run it again without consulting NAD or furnishing appropriate substantiation, if not previously supplied.

Colcco Industries, Inc. (*Junior Chef Make-It-Spin Cotton Candy Maker*)

Basis of Challenge.—Based on a television demonstration, NAD sought substantiation of the product's operating efficiency and the amount of cotton candy that could be made at one time. The advertiser advised NAD that the commercial was no longer running and that there were no plans to use it in the future.

The Drackett Company (*Behold Furniture Polish*)

Basis of Challenge.—Television commercials, featuring a side-by-side demonstration, compared the efficacy of Behold to competitive products, revealed to be Pledge and Lemon Pledge. The demonstration involved the cleaning of "waxy grease marks" which are identified as such. The conclusion reached by the interviewees in the commercial is that Behold did a better job than the named competitors.

NAD felt it was improper for the commercial to suggest overall product superiority based on a demonstrated superiority in cleaning only one type of stain (waxy grease marks). Market research was reviewed by NAD which showed that such overall superiority was indeed being inferred by the viewing public.

In a spirit of cooperation the advertiser has agreed to discontinue the commercials in their present form. Revised future copy will seek to avoid the problems found in the commercials investigated.

The General Tire & Rubber Company (Brake Reline advertising)

Basis of Challenge.—Print claim: "24,000 mile brake reline." Advertiser ran a series of advertisements featuring this service at General Tire Stores. Some advertisements stated that the relines were guaranteed for 24,000 miles and disclosed the terms of the guarantee while others omitted words of guarantee. In the opinion of NAD, the alternate use of a mileage expectancy with and without guarantee provisions might be confusing to the consumer. The advertiser has agreed not to use mileage expectancy claims when break reline services are advertised in the future.

The McCall Publishing Company (McCall's "Books-by-Phone")

Basis of Challenge.—In direct mail advertising of its "Books-by-Phone" service, McCall invited recipients to: "Call us toll-free from anywhere in America—we never close." NAD learned that the toll-free service was available only in the continental United States and, therefore, recommended that disclosure be made that Hawaii and Alaska are excluded. Advertiser advised that omission of the disclosure was inadvertent and agreed to correct future advertising.

R. J. Reynolds Tobacco Company (Vantage Cigarettes)

Basis of Challenge.—Advertiser used a variety of print claims of which the following are typical: "Vantage Menthol is the lowest 'tar' and nicotine menthol you'll enjoy smoking"; "But it sure is the lowest one that will give you enjoyment."

NAD felt these were objective statements that should be substantiated. Advertiser disagreed with this finding but has cooperated by agreeing to modify future copy, using claims of a more subjective nature.

Ronco Teleproducts, Inc. (Don Kirschner's Rock Power record commercial)

Basis of Challenge.—A television commercial stating that the price of the record was "only $4.99" was questioned under the Children's Advertising Guidelines regarding the minimizing of price. The advertiser subsequently informed NAD that the commercial had completed its schedule and would not be run in the future without prior consultation with NAD.

ADVERTISER SUBSTANTIATION REVIEWED AND FOUND ACCEPTABLE

NAD's findings are based on its own review and evaluation of advertiser substantiation and, where necessary, on consultation with outside technical experts and the use of independent testing laboratories and other organizations.

Air Jamaica Limited (Airline advertising)

Basis of Challenge.—Print claims: "Look Where You Can Fly For Less . . . Jamaica's only $145 roundtrip" (headline) and "Your travel agent can make all the arrangements on Air Jamaica, or call us . . ."

Comparison of the Summer 1973, midweek roundtrip fare to Jamaica with the Summer 1974, midweek roundtrip fare substantiated the claim "Look Where You Can Fly For Less." NAD further questioned the "$145 roundtrip" claim since the body copy stated "plus a minimum ground cost of $39." NAD decided that the consumer would not be misled since the advertisement clearly set forth all details and conditions in the opening paragraphs of the body copy.

Concerning whether or not travel arrangements could be made through Air Jamaica as well as a travel agent, advertiser agreed the ad could be confusing and advised NAD that all future copy will be modified to read "or for further information, call us at . . ." since arrangements, in fact, could only be made through a travel agent.

American Express Company (American Express Cards)

Basis of Challenge.—Television claims for American Express Cards were challenged by a complainant who alleged that the cards were not as widely accepted as television advertisements implied. Specifically, he charged that bank-issued cards were more acceptable in Greece and Austria than his American Express Card. The advertiser explained that the American Express Card is primarily a travel and entertainment card, while bank cards are designed to cater more to the day-to-day shopping needs of customers, both at home and when travelling. The advertiser submitted copies of their most recent directories of establishments in Greece and Austria which accept American Express Cards, showing that the card is accepted by over 1,600 establishments in Greece and 1,800 in Austria. NAD felt that current television commercials showed the American Express Card primarily in a travel situation and concluded that the advertising did not imply the card is accepted at every single establishment. In NAD's opinion, the advertiser's response substantiated the advertising claims.

John H. Breck, Inc. (Breck Hair Color)

Basis of Challenge.—Television claims: "More than twice the protein of any other leading color" and "Enough protein so you can actually feel the beautiful new body." Analytical studies by advertiser were done in March 1972 and updated in October 1973 to determine the presence of protein in the formulation of six competitive hair colorings. One contained protein in the color solution and one contained protein in the developer solution. One product included a protein shampoo for use after color treatment. A January 1974 evaluation of competitive hair colors for protein content included a competitive hair color which was the only brand introduced or changed since the October 1973 report. Laboratory analysis showed that Breck still contained more than twice the protein in the competitive product's formula.

Half-head clinical studies conducted by an independent research laboratory in June 1972 showed hair treated with Breck, with protein, was more lustrous, possessed greater body, and showed more smoothness than the control side treated with Breck, without protein. Evaluation of "smoothness" was obtained by touch and feel, rather than visually.

In the opinion of NAD the substantiation provided by the advertiser supports the claims made.

Advertiser's Statement.—"The John H. Breck Company is pleased that the NAD confirmed the testing which BRECK HAIR COLOR has undergone to document its advertising claims."

Jimmy Dean Meat Company (Jimmy Dean Sausage)

Basis of Challenge.—Radio claims: "Right here on this strip there is a little date . . . that assures you of one thing. Freshness!" "I never sell any hams or loins or shoulders . . . *all* of that goes into my sausage."

Advertiser submitted laboratory data indicating that its chub fresh pork sausage had a minimum shelf life of 30 days and that the freshness date on the label was a date 30 days subsequent to the date of production. In addition, there was adequate support for the claim that all of the hams, pork loins and pork shoulders from the entire hog are used in the product. Pork tenderloin, a separate cut, is to be distinguished from pork loin. The former *is* sold separately by the advertiser.

Germaine Monteil Cosmetiques Corporation (Eye Color I)

Basis of Challenge.—Print claims: "New Eye Color I is so waterproof you can frost over it after you put it on without the slightest worry that the color will shift, smudge or smear . . . You can swim with it in the saltiest sea or the greenest pool. We've tested it unmercifully against salt and chlorinated water. Tears? You can cry yourself a river and Eye Color I . . . won't even be slightly moved."

Advertiser provided in-house test data to support the claims. Based on it and other evidence, NAD found the claims substantiated.

Advertiser's Statement.—"We are very pleased that the findings of the investigation conducted by the National Advertising Division have confirmed our high confidence in our own research on Eye Color I and what we believe to be the proven quality of every Germaine Monteil product."

The Gillette Company (White Rain Shampoo and White Rain Hairspray)

Basis of Challenge.—"Television claims: (1) "White Rain Shampoo is as gentle to hair as Johnson's Baby Shampoo. And it costs less." (2) "White Rain (hairspray) holds when it's raining. VO5 (hairspray) holds when its raining. White Rain costs less." (3) White Rain gives you as strong a hold as Protein 21. And it costs less." The advertiser submitted shampoo and hairspray retail price surveys which substantiated claims of lower prices for the White Rain products. Laboratory test procedures and results were submitted in support of shampoo gentleness and hairspray holding power claims. In NAD's opinion, the results substantiated the comparative claims.

Lever Brothers Company (*Pepsodent Toothpaste*)

Basis of Challenge.—Print claims: "Pepsodent whitens with the lowest abrasion level of all leading toothpastes," and "Get your teeth their absolute whitest."

The advertiser supported the claims with data in the form of independent testing and its own tooth luster tests.

Mitchum-Thayer, Inc. (*Mitchum Anti-Perspirant*)

Basis of Challenge.—Print claims; "The Mitchum Method is a unique method of applying an effective anti-perspirant"—in that the product is applied before bedtime, allowing the user to shower the next morning and go through the entire day without washing away the "all day" anti-perspirant protection of the product. The advertiser provided clinical studies conducted by an independent research laboratory which concluded that Mitchum's anti-perspirant activity was significantly higher when applications of the product were made in the evening rather than in the morning. In NAD's opinion, these data substantiated the claims.

Monsanto Textiles Company (*Monvelle pantyhose*)

Basis of Challenge.—Print claim: "Consumer wear tests show that Monvelle does offer superior durability."

Advertiser provided copies of a survey conducted by an outside research company (engaged by advertiser) as well as in-house studies. These data substantiated the claim, in NAD's opinion.

Advertiser's Statement.—"We at Monsanto were pleased to learn of NAD's findings concerning the superior durability of Monvelle pantyhose. Prior to the launching of Monvelle biconstituent nylon/spandex fiber in 1973, extensive research was conducted in our own laboratories as well as with independent research firms."

Purex Corporation, Ltd.,—Campana Corporation Division (*Bantron, smoking deterrent tablets*)

Basis of Challenge.—Print claims: "Bantron No. 1 in Sales" and "In actual clinical tests among smokers who wanted to quit, more than 4 out of 5 did so easily and pleasantly with its help." To support the sales claim, the advertiser submitted an extract from a drug trade report of June, 1974, which identified "Bantron" as the top-selling smoking deterrent. To support the second claim, the advertiser submitted reports of two controlled clinical studies, the results of which were published in the American Journal of the Medical Sciences. These results showed that over 80% of the subjects using Bantron refrained from smoking at the end of 5 to 6 days. Results were most effective if the subject had the desire to stop. In NAD's opinion, this material substantiated the claims.

Volkswagen of America, Inc. (*VW 111-1*)

Basis of Challenge.—Print claim: "Big three go up! G.M., Ford, Chrysler hike prices. Little one stays down! Still $2625."

Advertiser indicated that the special edition 1974 Love Bug (Model 111-1) pictured in the advertisements remained at the quoted price, while the three major auto manufacturers raised prices three times during the 1974 model year.

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NARB functions as an appeals body on advertising matters investigated originally by NAD. Five-member adjudicative panels drawn from NARB's 50 advertiser, advertising agency and "public" members evaluate advertising referred to the Review Board by NAD, an advertiser or a complainant. Panel findings and opinions are publicly disclosed.

[News from NAD for release Friday, November 15, 1974]

NAD RESOLVES SIXTEEN CHALLENGES TO NATIONAL ADVERTISING IN OCTOBER

NEW YORK, N.Y., November 15—The National Advertising Division (NAD) of the Council of Better Business Bureaus disclosed today that it had resolved sixteen challenges to national advertising in October.

In ten instances, challenges were resolved when the advertising was discontinued or when national advertisers agreed to modify future copy claims. These challenges involved claims about an insecticide, a gift for a magazine subscription, a weight-loss book, *a child's premium*, a hardware store group, automobile prices, *children's toys* (2), auto painting and house paint.

Six other challenges were resolved when NAD found that substantiation provided by advertisers adequately supported claims made. These challenges involved an air freshener, a premenstrual tablet, tires, cooking oil, a diaper rash ointment and a spot lifter.

The following summarizes NAD activity during October:

ADVERTISING MODIFIELD OR DISCONTINUED

The fact that advertising has been modified or discontinued, as reported in the following matters, is not to be taken as an admission of impropriety on any advertiser's part. In some cases, advertisers have voluntarily changed or discontinued advertising in cooperation with NAD's self-regulatory efforts. In others, advertisers have discontinued challenged advertising for their own reasons but have agreed not to run it again without consulting NAD or furnishing appropriate substantiation, if not previously supplied.

American Home Products Corporation—Boyle-Midway Division (Black Flag, roach killer)

Basis of Challenge.—Television claim: "Use Black Flag, kills roaches and their off-spring that hatch." The advertiser did not supply the requested substantiation but did inform NAD that the commercial was discontinued for business reasons in April 1974 (prior to receipt of the NAD inquiry). Advertiser has no plans to run it again.

Avant Garde Media (Moneysworth, magazine advertising)

Basis of Challenge.—Print advertising was headlined "Buy our magazine and get an encyclopedia free!" In body copy the "encyclopedia" offered was described parenthetically as "also published as 'Consumers All'." The copy also quoted laudatory comments from a variety of sources about the "original text upon which the work is based." The work in question was originally an official publication of the United States Department of Agriculture, issued in 1965. NAD felt that the advertisement should clearly set forth that (i) the free gift was originally issued as "Consumers All," a United States Department of Agriculture publication and (ii) the date of original publication was 1965. The advertiser has now advised NAD that the advertisement in question is no longer running and that there are no present plans to run it in the future. However, if the advertising *is* resumed the advertiser agrees that the copy will reflect NAD's comments.

Advertiser's Statement.—"The BBB (National Advertising Division) has been unable to cite a single regulation or statute as the basis of its copy-change request. As far as anyone has been able to determine, we are not in violation of either the spirit or letter of any existing statute regulation or guideline. Nevertheless, since we ourselves are members of the BBB, and in the interest of cooperation with the BBB's self-regulatory effort—and purely as an expression of our solidarity in support of this principle—we will make the relatively minor copy change requested by the BBB in any future runs of the ad involved."

***Brookville Marketing Corporation** (advertisment for book entitled "Cellulite: Those Lumps, Bumps and Bulges You Couldn't Lose Before")*

Basis of Challenge.—Print advertising for the book implied that one could "rid oneself of ugly fat . . . lose those lumps, bumps and bulges" without dieting. NAD questioned whether that proposition was supportable.

Advertiser advised that the newspaper and magazine campaigns for the sale of the book have been concluded and that no further advertisements are scheduled. If advertiser plans resumption of the advertising, it has agreed to meet with NAD to discuss the copy before publication.

***Brown Shoe Company** (Boodle Bag, a premium offer to children)*

Basis of Challenge.—This television advertisement, featuring a premium offer called a "Boodle Bag," was directed to children who might reasonably expect that the item would be filled with child-oriented premiums. The voice-over stated, "You can get a free Boodle Bag with surprises inside" and accompanied a visual of a child opening the bag with a look of anticipation. Actually, most of the bag's contents were adult-oriented. The advertiser shared NAD's concern about the contents of the Boodle Bag and has withdrawn both the offer and the advertising.

***Cotter & Company** (True Value Hardware Stores)*

Basis of Challenge.—Radio claim: "They buy for less because they buy a lot; so you buy for less too." In requesting substantiation NAD was advised that the company is owned by over 4700 independent True Value Hardware Stores whose volume buying results in cost savings to the consumer. In the absence of substantiation for this general underselling claim NAD recommended the reference be eliminated or modified. The company was not in agreement, but has nevertheless agreed to modify the statement to state that the prospective customer "may" or "can" find that certain items are selling for less at their local True Value Hardware Store.

***Ford Motor Company** (Mercury Comet)*

Basis of Challenge.—Print claim: "So how come Comet is up to $425 less!" The advertisement featured a comparison of new car sticker prices of the Comet, VW Super Beetle, Toyota Corona, Datsun 710 and Opel Manta. All of the makes except the Opel excluded dealer preparation charges, and the advertisement clearly indicated this fact. However, since the dealer preparation fee may vary from dealer to dealer, it was felt that the $425 saving on Comet as compared to the Opel would be difficult to state accurately.

Since the $425 saving (Comet versus Opel) was used in two different parts of the copy, NAD felt the comparison should be discontinued. The advertiser has discontinued this particular advertisement and has no plans to run it again.

Advertiser's Statement.—Of all the cars featured in the advertisement, only the retail price of the Opel included a dealer preparation charge. Since an estimate of the amount of dealer prep included in manufacturer's suggested retail price for the Opel could be unfair, an appropriate disclaimer referenced to the prices quoted was included in the body of the advertisement. This disclaimer read:

> "Destination charges, title, taxes and dealer preparation charges (except Opel) are extra and may affect price comparison in some areas. Ask the dealer for the price.'
>
> "Base sticker prices for different makes were accurately characterized in the comparison, and the disclaimer insured that no one would be misled as to other elements of pricing that might affect the comparison at the dealership retail price level."

***Mego International, Inc.** (Batman/Robin Toys)*

Basis of Challenge.—A television commercial showed props that could have been construed as part of the basic purchase. There was no disclosure that batteries were necessary to operate the "Batlight." Slow motion techniques were utilized in sequences featuring the "Batmobile" and "Batcycle," showing the toys in a manner unreproducible by a child. The same vehicles were shown hurtling over rocks creating the impression that the toys were unbreakable, which is not the case. The "Batcomputer" was depicted in a manner that incorrectly implied it was capable of computing. It was not clearly disclosed that the "Batcopter" was manually, rather than mechanically, operated. Lastly, there was confusion as to whether or not the action figures contained talking mechanisms when, in fact, they did not. The advertiser informed NAD that the commercial is no longer being aired and will not be scheduled in the future.

Mego International Inc. (Planet of the Apes Treehouse, a toy ensemble)

Basis of Challenge.—NAD felt that the television commercial might give the mistaken impression that some or all of the action figures had talking mechanisms and that some or all of the figures and animals shown were included in the basic purchase. Actually they were all separate purchases. Additionally, the setting which included splashing waves, cliffs and rocks was not thought to be reproducible by the average child, nor was there any disclosure that the horse figures were battery-operated. The advertiser subsequently advised that the commercial was no longer running and would not be scheduled in the future.

Earl Scheib Auto Paint Shops (Auto painting)

Basis of Challenge.—Print claims: "$10 free body and fender repair with every Earl Scheib paint job." "Still America's Biggest Bargain." "The world's largest auto painter.' Advertiser substantiated the terms of the $10 "free" offer. In a spirit of cooperation, the advertiser will also include the following statement whenever the offer is made. "If metal work on your car amounts to $10 or less you pay absolutely nothing." Type size will be enlarged for clarification of the offer's terms.

Advertiser adequately supported the claims relating to the $39.95 "bargain" value of its paint job. In addition, advertiser substantiated the size of its auto painting operation.

SCM Corporation—Glidden-Durkee Division (Glidden Spred Satin Paint)

Basis of Challenge.—Print claims: "Sorry Sears, PPG, Sherwin-Williams, Lucite, and Dutch Boy . . . Spred Satin Wins!" The copy went on to state that the product was "judged best in overall performance by leading paint testing laboratory." NAD's review of test procedures and results showed that the product *was* rated "best overall" based on a composite score of five test factors (Application, Hiding, Appearance, Durability and Washability). However, according to the test results, Glidden Spred Satin scored highest in only one of the five categories. NAD felt that the publication of a "composite test result" did not afford the consumer desiring paint for a specific characteristic the opportunity to make an informed choice, even though a pamphlet detailing test results was available on request. Further, NAD felt that such a composite result might lead to the false assumption that Spred Satin performed best on all five attributes. While appreciating NAD's approval of the test procedures and results the advertiser did not concur with NAD's conclusion about the presentation of those results. However, advertiser advised NAD that the advertising has been discontinued and would not be run again without first consulting NAD.

ADVERTISER SUBSTANTIATION REVIEWED AND FOUND ACCEPTABLE

NAD's findings are based on its own review and evaluation of advertiser substantiation and, where necessary, on consultation with outside technical experts and the use of independent testing laboratories and other organizations.

Airwick Industries, Inc. (Airwick Solid, air freshener)

Basis of Challenge.—Television claims: "The world's number 1 air freshener" and "Airwick Solid remains unsurpassed in its ability to counteract odors 24 hours a day." Market research data plus retail sales data from major Airwick distributors showed the product as having the largest worldwide retail dollar volume of all air fresheners. Advertiser also provided laboratory tests reflecting comparisons with competing products. These showed Airwick's effectiveness to be at least equal or better in all cases.

Chattem Drug & Chemical Company (Pamprin, a premenstrual tablet)

Basis of Challenge.—Television advertising: With a calendar shown on-screen, the following voice-over was used: "Aspirin's fine for headaches, even for women's discomforts. But these are the days of Pamprin, when you can really be thrown off by water buildup. You know, the bloat, the weight gain, swelling, puffiness, body aches. Pamprin helps relieve these symptoms . . ."

Advertiser provided both in-house and outside information and clinical data which, among other things, indicated that the Pamprin formula consisted of a diuretic, an analgesic and an antihistaminic. The data substantiated the claims, and NAD was also satisfied that an improper comparison with aspirin was not being made.

Firestone Tires & Rubber Company (Transteel Radial Truck Tires and Steel Radial 500 Passenger Tires)

Basis of Challenge.—The following copy was used by Firestone in print advertising for its Transteel Radial Truck Tire: "When we matched our Transteel Radial truck tires against our own bias ply tire (on a huge truck like the one above) the Transteel Radial proved it could reduce the amount of fuel needed up to 6 percent at highway speeds." Tests substantiating this representation were conducted on a single axle tractor with trailer. Fuel was measured at the end of 300.3 mile run with pump gauge used as meter. Tests were identical except that speed on the diesel-powered truck was programed at 60 MPH and on the gasoline-powered truck at 45-60 MPH with stops and starts around track (average speed, 54.56 MPH).

Firestone used the following copy in print advertising for its Steel Radial 500 Passenger Tire: "When you decide to put a Steel Radial 500 on your car, you'll not only put extra miles into every tankful of gas you buy, you'll put on a tire that gives you a smooth ride, quick positive handling steel belted strength, and up to 4 years of average driving." Fuel consumption tests substantiating this advertisement were conducted at Firestone's test laboratories in which their DLC-SRB tires were compared with the Steel Radial 500 for fuel consumption. In the passenger car test procedure, fuel consumed was determined by weight and converted by calculation to a common temperature (60 degrees F). Fuel consumed was also adjusted in accordance with the consumption on a controlled car which was run with the test car on all runs and was equipped with the same tires throughout. The adjustment was said to take care of variables such as weather conditions encountered during the test. All tests were run at 30 MPH, 50 MPH and 70 MPH.

In NAD's opinion the data substantiated the claims.

Hunt-Wesson Foods, Inc. (Wesson Oil)

Basis of Challenge.—Television commercial showed a bread-frying demonstration at the conclusion of which the announcer stated: "Pure Wesson Oil won't soak through food." Advertiser advised that the purpose of the demonstration was to illustrate graphically that Wesson Oil will not soak through food. Frying tests on chicken, fish, potatoes, donuts, and onion rings, at the normal frying temperatures and times for each food, were conducted in company kitchens. A colored dye was added to the oil in order to visually determine the extent of oil penetration. Color photographs of the product cooked during these tests showed that in each case the oil only penetrated the outer layer of the food. The evidence substantiated the claim, in NAD's opinion.

Pfizer Inc. (Desitin Ointment)

Basis of Challenge.—Television claims: ". . . but only one leading diaper rash ointment contains the special zinc oxide and Norwegian cod liver oil formula that helps seal out wetness so well, helps heal soreness so fast, that diaper rash starts to disappear in a matter of hours: Desitin Ointment:" "It's the diaper rash medicine most frequently recommended by pediatricians."

Advertiser provided extensive laboratory data, studies performed by outside testing laboratories, medical and scientific documentation and the results of several surveys conducted by outside researchers (engaged by advertiser). These data substantiated the claims, in NAD's opinion.

Texize Chemicals Company (K2r Spot Lifter)

Basis of Challenge.—Print advertisements for K2r Spot Lifter were questioned by NAD after receipt of a complaint stating that a consumer had tested the product on 24 applied stains and was dissatisfied with the results. The advertiser explained that K2r works best on dry-cleanable fabrics and that "nothing will remove all spots from all fabrics, but K2r takes more spots from more materials than any other product." This statement is conspicuously disclosed on all product packaging and was supported by advertiser-submitted research which detailed test results of K2r and comparable products. Advertising claims do point out that the product is designed primarily for use on non-washable fabrics and do not claim the product will remove *all* stains. NAD therefore concluded the claims were not misleading.

NAD handles investigative work for the advertising industry's self-regulatory mechanism. It reviews and evaluates all challenges to the truth and accuracy of national advertising brought by outside sources or initiated by NAD as a result of its own monitoring of print and broadcast advertising.

Following its investigation NAD will dismiss or uphold the challenge, requesting in the latter event modification or withdrawal of the questioned advertising. The results of NAD's investigations are detailed in a monthly report that is made public.

NARB functions as an appeals body on advertising matters investigated originally by NAD. Five-member adjudicative panels drawn from NARB's 50 advertiser, advertising agency and "public" members evaluate advertising referred to the Review Board by NAD, an advertiser or a complainant. Panel findings and opinions are publicly disclosed.

[ATTACHMENT E]

CHILDREN'S REVIEW UNIT CONSULTANTS 1974–75 BIOGRAPHICAL MATERIALS

LYNETTE K. FRIEDRICH, PH. D.

Dr. Friedrich has held research positions at Cornell University and research and teaching positions at the Pennsylvania State University. In addition to her work on the effects of television on children, her research interests include moral and social development and achievement motivation in women. Among other publications, she is co-author of a monograph on "Aggressive and Prosocial Television Programs and the Natural Behavior of Preschool Children" and a literature review chapter on "The Impact of Television on Children and Youth" to be published in Vol. 5 of *Review of Child Development Research.*

Dr. Friedrich's recent research and publications deal with the prosocial effects of children's television programs. For the past year she has been director of the Social Development Curriculum Project and has completed a curriculum based on prosocial television viewing for use in school and daycare centers.

NORGE W. JEROME, PH. D.

Dr. Jerome is Associate Professor of Human Ecology and Director, Educational Resources Centers at the University of Kansas School of Medicine, Kansas City, Kansas. Her unique educational background and training in Cultural Anthropology and Human Nutrition (Nutritional Anthropology) has provided the base for extensive field studies on food practices and dietary preferences she has conducted among multi-ethnic populations in urban areas of the Mid-west. This background has also permitted Dr. Jerome to assess the impact of the mass media on food habits formation.

She is a Founding Member of the Council on Children, Media and Merchandising, and has served during the past year as a consultant to the Children's Television Workshop in the preparation of a health-oriented series for adults.

GERALD S. LESSER, PH. D.

Dr. Lesser is Chairman of the Board of Advisors of the Children's Television Workshop and Bigelow Professor of Education and Developmental Psychology at Harvard. He has participated in decisions about the educational, research and production goals of "Sesame Street" and "The Electric Company." His recent book, *Children and Television: Lessons from Sesame Street* records the history of Sesame Street planning and production.

Dr. Lesser, whose special interest is in cognitive development, received the Distinguished Contribution Award from the American Psychological Association in 1974. His current research interests are focused on the effects of the visual media upon children. He is participating in the National Science Foundation Program of Research Assessing the Effects of Televised Advertising to Children (1975–76).

PAUL H. MUSSEN, PH. D.

Dr. Mussen is Professor of Psychology and Director, Institute of Human Development, University of California at Berkeley. His research and scholarly interests are centered in the area of parent-child relations as these affect the child's personality and social behavior. His current projects are in the area of development of moral behavior, attitudes and opinions.

His major books include *Child Development and Personality* (with John J. Conger and Jerome Kagan) now in its 4th edition; *The Psychological Development of the Child; Psychology: An Introduction* (with Mark R. Rosenzweig), and is Editor of the 3rd edition, of *Carmichael's Manual of Child Psychology.*

ELI RUBINSTEIN, PH. D.

Dr. Rubinstein is currently Professor of Psychiatry (Behavioral Science) at the Health Sciences Center, State University of New York at Stony Brook. He served for a number of years in senior research and administrative positions at the Veterans Administration in Washington, D.C. and at the National Institute for Mental Health. One of his most noted responsibilities at NIMH was the coordination of a national research program on television and social behavior, the results of which were summarized by the Surgeon General's Scientific Advisory Committee on TV and Social Behavior, assessing the effects of televised violence on the behavior of children. He is co-editor of all the five volumes of published technical reports.

In his present position at Stony Brook, he is the Chief of the Division of Behavioral Sciences within the Department of Psychiatry and Behaviorial Science, and is responsible for the further development of behavioral sciences programs within that department.

JEROME L. SINGER, PH. D.

Dr. Singer is Professor of Psychology and Director, Graduate Program in Clinical Psychology, Yale University. He also serves as Research Associate at the Yale University Child Study Center.

In connection with his special field of interest, the role of fantasy and make-believe in psychological development, he is the author of many books and articles, among them: *The Child's World of Make-Believe: Experimental Studies of Imaginative Play* (New York, Academic Press, 1973). *Imagery Methods in Psychotherapy and Behavior Modifications, New York:* Academic Press, 1974. *The Inner World of Daydreaming* (New York, Harper and Row, 1975).

SCOTT WARD, PH. D.

Dr. Ward is Associate Professor of Business Administration at Harvard University and Senior Research Associate at the Marketing Science Institute, Cambridge, Massachusetts. He was co-author of an early study on children's consumer behavior and responses to television, done at the behest of the Surgeon General's Scientific Advisory Committee, and has worked on further studies in this area. He is co-author of a forthcoming book on the subject of consumer socialization and is participating in the National Science Foundation Program of Research Assessing the Effects of Televised Advertising to Children (1975-76).

[ATTACHMENT F]

Children's Advertising Review Unit, National Advertising Division, Council of Better Business Bureaus, Inc.

Seminar: Seventh meeting of consultants with supporters of the Children's Review Unit.
Date scheduled: June 20, 1975.
Meeting place: Penthouse, Summit Hotel, 51st Street and Lexington Avenue, New York City.
Time: All day; 8:45 a.m.—Coffee and registration; 9:00 a.m.—Welcome, introduction, formal presentations; 12:30 p.m.—Cocktails and luncheon; and 3:30 p.m.—Adjournment.

AGENDA

I. A complete posting on Year 1 of the Children's Review Unit:
    A. Status of the Children's Review Unit, Mr. Campbell.
    B. Children's Unit: An Extension of NAD/NARB, Mr. Gertenbach.
    C. The Work of the Children's Unit Consultants: Some Background and an Introduction, Mrs. Griffin.
II. Positive Goals for Children's Advertising: A Pro-Social Role:
    A. Review of the Pro-Social Movements in Children's TV and the Opportunities for Broadcasters and Advertisers, Dr. Rubinstein.
    B. Practical Knowledge Gained with Regard to Observational Learning and Modelling Behavior in Various Experimental Studies and Approaches, Dr. Friedrich.
    C. Specific Examples of Commercials with Pro-Social Content.
    D. Discussion.

III. Opportunities for Nutrition Education in Children's Advertising:
   A. Children's Advertising as a Vehicle for Pro-Social Nutritional Messages, Dr. Jerome.
   B. Lessons for Advertisers from Sesame Street and Elsewhere, Dr. Lesser.
   C. Specific Examples of Commercials with Positive Nutritional Content.
   D. Discussion.
IV. Enhancing Play Value: Responsible Toy Advertising:
   A. Fantasy and Make-Believe in the Real Experience of Children. The Emotional and Educative Value of Play, Dr. Singer.
   B. How Children's Responses to Commercials can Guide us Toward Fairness to Children's Perceptions, Dr. Ward.
   C. Screening of Toy Advertising Which Helps Develop Creative Play Styles and Ideas, or Teaches Some Scenarios for Imaginative Play.

[ATTACHMENT G]

IMPLICATIONS FROM RESEARCH ON PROSOCIAL BEHAVIOR FOR PROGRAMMING AND ADVERTISING DIRECTED TO CHILDREN

(By Lynette K. Friedrich)

The question of how to utilize the potential of television to enhance the social and emotional development of children has been of major interest to me for many years.

The initial research conducted by my colleague, Aletha Stein, and I was one of the studies commissioned by the Surgeon General's Committee. At this time I suggested that we look at the effects of prosocial television as well as violent television because of my experience at home. I had a two-year-old son who watched "Mister Rogers' Neighborhood" regularly. As I watched with him and saw him attempting to cope with many situations in his everyday experience. I was convinced that the program had a direct effect on his behavior. Fortunately, the research grant enabled a psychologist-mother to test her theories.

We first studied preschool children in the natural setting of a nursery school. Children were exposed to 12 television programs over the course of four weeks. They saw "Batman" and "Superman" cartoons, neutral films (like trips to the post office), or "Mister Rogers' Neighborhood." Observations of their free play behavior were made throughout the 12-week nursery school term—before, during, and after the television weeks.

In brief, we found that children who saw violent television showed decreases in their ability to exert self-control and to tolerate minor frustration. Some children showed increased inter-personal aggression as well.

The prosocial programs also led to some rather striking changes in behavior for children. Once again, the clearest effects were on the ability to exert self-control. These children showed increases in task persistence and they tended to increase in tolerance of delay and the ability to carry out tasks (like clean up) without adult supervision. Children from lower social class families also showed increases in cooperative play, nurturance, and the ability to talk about their feelings.

Given the small amount of viewing in the course of a busy nursery school program, these changes point to the very real potential of carefully conceived and executed television content directed to children to influence their development in positive ways.

Subsequently, research using "Mister Rogers' Neighborhood" programs has been conducted by others with 3- to 6-year-old children from many different social classes in a rather wide array of settings. Increased sharing (Cosgrove & McIntyre, 1974; Shirley, 1974), increased imaginative play (Singer & Singer, 1974), and decreased interpersonal aggression (Shirley, 1974) have been associated with viewing the program. Recently Coates (1975) has reported impressive increases in the amount of positive reinforcement given to classmates. Exposure to "Mister Rogers' Neighborhood" led to increases in behaviors like giving praise, approval, reassurance, and friendly, affectionate gestures made to other children.

Our own research in the last four years has been concerned with specifying some of the qualities in the prosocial television content and some of the variables in the child's environment which may influence the effects on learning and behavior. We have conducted two short-term laboratory studies and one large-scale field study in inner city Head Start Centers. The results are consistent with the accumulating evidence that children can learn a host of prosocial messages and skills from television. While these studies have been based on viewing of "Mister Rogers' Neighborhood," the results lead to some general implications for prosocial television production:

1. Children can learn some surprisingly complex concepts from television content.

Children learned themes such as: you need to explain your feelings to others; people like you for yourself, not because you try to be like someone else, everyone is different and has something unique to contribute; and so on.

2. Children can translate what they learn into actions.

Prosocial television viewing is associated with increases in various dimensions of self-control. Sharing, helping, and other cooperative behaviors, as well as the amount of friendly, sympathetic speech, are increased. Imaginative, creative, fantasy play is also positively affected.

3. Visual attention may not be a good indicator of how much the child is receiving nor of the likelihood that the content will be incorporated into behavior.

In the original field study children showed lower levels of visual attention to "Mister Rogers' Neighborhood" than to the aggressive cartoons. However, positive behavioral changes occurred. The slow pace and quiet nature of 'Mister Rogers' Neighborhood" is in marked contrast to the techniques which have been used successfully to maintain visual attention. Children may receive just as much or more prosocial substance from programs or advertisements which utilize more reflective styles of presentation.

4. Although more research is needed to specify exactly what features are most important in prosocial content, it appears that the visual and other nonverbal forms of presentation should be emphasized.

Clear narration and labeling of actions add to the impact, but may not be the primary mode of transmitting a message. In addition, the affective tone and warmth of the characters may be as important as the specific prosocial message itself in affecting behavior.

5. The availability of toys and fantasy materials related to the content stimulates children to elaborate televised prosocial behavior in their play.

In Head Start settings the combination of prosocial television and related materials also led to positive changes in the quality of social interactions among children.

I should also like to suggest a more fundamental implication for prosocial television directed to children: diversity in approaches and values. Some prosocial values may be agreed on by all people concerned with children, e.g., the unique worth of each individual, or the importance of self-esteem. However, prosocial behavior, as we have used the term, involves a wide repertoire of behaviors, not a simple prejudged "right" response to any situation. The goal of teaching such behaviors to children is to provide them with any alternatives for coping with problems and learning to live with others. If television content—whether it is programs or advertising—can present many different kinds of people in a variety of formats and settings attempting to get along together and to resolve difficulties in constructive ways, the diverse values held in our complex culture can be represented.

CHILDREN'S TELEVISION ADVERTISING: A VEHICLE FOR PRO-SOCIAL NUTRITIONAL MESSAGES BY W. JEROME, PH.D.

ABSTRACT

In contemporary USA, the young child is introduced to the foodways of the culture through food advertising on television. For decades, this role had been largely confined to the home where, by tradition, new foods had been presented within the context of food patterns and nutritional well-being. By appropriating the role traditionally held by the home, the television industry has indirectly assumed the associated function of providing nutritionally relevant information to the young child viewing television food advertisements. However, this latter role is not being fully utilized. Television advertising uses educational principles and processes which lead to consumer action and behavioral change. These educational devices could be more fully utilized to provide nutrition information and guidance to the child viewer.

There is still a great deal of controversy over the television advertiser's role and responsibility in socializing the young child to the ideals and mores of the society. Some assert that the advertiser should not be viewed as being directly involved in the socialization process. The advertiser stimulates interest in products and motivates viewers to purchase. Surely, it is argued, these are not processes of socialization! However, others insist that since the advertiser has appropriated many of the traditional roles of the home and school his (or her) role and responsibility as socializer is clear.

By introducing a product to viewers and motivating them to purchase, viewers are sensitized, their perceptions are changed, new desires emerge and they are led to act or to change previous purchasing or behavioral patterns. Every educator recognizes those four elements as educational processes (1) the introduction of new information (a concept or product), (2) a change in perceptions (based on the new information), (3) emergence of new desires (based on 1 and 2), and (4) and finally behavioral change takes place e.g., new purchasing patterns develop (acting on the information and change in perceptions and desires).

Actually, use of these educational processes and techniques on a mass basis repetitively through a medium which reaches almost every home in the U.S. provides advantages and opportunities which are lacking in many homes and in most schools.

TV advertisers (the term advertiser is probably a misnomer) are skilled educators and effective socializers. However, these advantages should be more fully realized by incorporating the *responsibilities* associated with the mass educator and socializer roles.

In discussing some of the responsibilities of communicating pro-social nutritional messages to children I shall focus on (a) some principles on food habits formulation (b) some elements of pro-social and anti-social behaviors learned from television and (c) television commercials and nutrition education.

FORMULATION OF FOOD HABITS—A GENERAL VIEW

Early experiences seem to be very important to the acquisition of food habits. The formulation of food habits has been likened to layers of onion skins. Those practices and tastes formulated and cultivated in early life linger much longer than those formed later. In early life, children learn through their cultures what items (among the many present in their environment) the culture deems fit to eat. They also learn the appropriate formula for specific meals and snacks, the timing of meals and snacks, the hierarchy accorded foods and beverages e.g., desirable and undesirable items, staple foods and ceremonial foods, what to share with whom and when, etc. Children also learn early in life how to use edibles and eating times to obtain attention from parents, caretakers and guardians. They learn these fundamentals of their foodways from birth, and the attitudes and behaviors become entrenched with time. Such conditioning of the young to the culture was once restricted to the home, those with whom the child came in closest contact, and with those he identified.

CHILDREN AND TELEVISION

It seems axiomatic to state that in the U.S. of the 1970's, the forces which mold attitudes and behaviors of children and youth have been extended to include commercial television. Children learn both socially valued behaviors (e.g., charging and cooperation) and anti-social (e.g., aggression) behaviors from television. Children imitate characters or models or learn simply by watching others on the screen. Attitudes and behaviors learned from television are often acted out in new settings and situations.

TELEVISION COMMERCIALS AND NUTRITION EDUCATION

The pro-social and anti-social behaviors learned from TV are obtained from both program content and commercials. However, unlike content, commercials have special features which are more likely to lead to later action. Inserted into popular programs designed to entertain are brief messages, appealing jingles, enchanting music and sound effects, repetition, and the delivery of a single concept with a pitch to purchase the visible, active product being advertised. These characteristic hold the viewer's attention, provide information, and motivate him to some specific action or response associated with a behavioral change.

Why could not these basic educational principles as used in television commercials be further utilized to communicate relevant nutrition information? Commercial food advertisements on television could be used successfully to communicate accurate messages on the nutritional composition of every food advertised. Additionally, the technique may be used to demonstrate when and how the foods and beverages advertised may be incorporated into the traditional diet pattern.

Let me provide some examples which demonstrate the need for the kind of information I have indicated. My field observations show that products such as sandwich spread, orange drink, Tang, Kool Aid and Hamburger Helper are used by consumers in ways unintended (and probably not even considered) by the marketer and advertiser. All of these items are being used as substitutes for more nutritious items in the traditional diet, while some of the beverage items are often over-diluted. Food companies should anticipate these preparation and consumption practices which have nutritional consequences and assume the responsibility of providing appropriate and accurate information to the consumer—especially the child consumer.

It is estimated that children under 13 who are moderate TV viewers see an average of 220 minutes of pure commercials per week and over 5,000 commercials per year for edible products alone. The foods most heavily advertised to children are snacks (including candy) cereals and beverages. Snacks, ready-to-eat cereals and synthetic or formulated beverages represent but 3 of the dozens of sub-categories of foods included in the diets of children. In fact, they represent but 2 of the 7 major classes of foods—the other 5 being *fish and meats; dairy products; legumes and beans; fruits, vegetables and their juices;* and *fats and oils.* Moreover, the diversity of foods in the three sub-classes of foods heavily advertised to children are never truly represented. Cereals abound in wide variety—refined and unrefined, ready-to-eat and uncooked, etc. Similarly, snacks and beverages are present in great diversity in the marketplace.

Nutritionally adequate diets consist of all 7 major classes of foods in the proper combinations. A child must learn to relate what he views on television to the realities of his/her world. Dissonance and conflict are created when the home and school sanction a balance of the 7 major classes of foods for nutritional health and another socializing force sanctions (by virtue of exposure and reinforcement), only 2 major classes. A proposition to expose the child viewer to the varieties of food within the culture and their proper use for nutritional well-being does not disregard the other reality—that advertising revenues are derived for special, targeted products. A special product e.g., Y brand of cereal or X brand of candy can be shown contextually without confusing the child viewer. The child has already learned at home and at school that food patterns derive from single items and that these items are usually combined in order to achieve desirable or *nutritionally sound* diet patterns. The commercial would then be in concert with, and reinforce previous learning provided by parents, teachers and child caretakers in their goals for child development and nutritional health.

I see 4 functions for commercial TV in Nutrition Education. (1) Inclusion of the *diversified foods* of the culture in food advertising; (2) stating the *nutritional composition* (major nutrients) of the specific food or beverage item which is being advertised; (3) *identifying foods* in the traditional dietary which might be *replaced by the new food;* and (4) *demonstrating desirable dietary patterns* developed from the advertised product. Of course, this educational effort should supplement the nutrition education which takes place in the home, school and elsewhere. Clearly, a 30-minute advertisement should not be regarded as either a comprehensive educational device or a substitute for other efforts.

There are many economic advantages to the approach I have outlined for advertising on television. A realistic portrayal of foods within the context of meal or snack plans may increase viewer credibility for product claims; it may also increase brand loyalty, and a demonstration of applicability to a life as lived may lead to positive generalized behavior in new situations and settings.

NUTRITION IN CHILDREN'S TELEVISION ADVERTISING BY GERALD S. LESSER[1]

I'd like to review briefly what Dr. Jerome has just said in order to pick up where she left off. Dr. Jerome described what she believes we should try to accomplish with children through food advertising in addition to selling particular brands of particular foods. I am going to suggest at least one plan or procedure for how we might go about achieving her objectives.

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[1] Bigelow Professor of Education and Psychology, Harvard University; Chairman, Board of Advisors and Consultants, Children's Television Workshop.

In extending Dr. Jerome's remarks, I should point out first that I approach the subject of nutrition education from a somewhat different professional background. Unlike Dr. Jerome, I am not an expert on nutrition. Unlike many of you here, I have never produced a televised ad for children. But I have helped design and create educational television programs for children over the past fifteen years—most recently, *Sesame Street* and *The Electric Company*—and in the process I believe I have learned something about how to observe and understand children's reactions to what they watch on television.

DR. JEROME'S OBSERVATIONS

To go back to Dr. Jerome's recommendations, I would summarize some of her major observations this way:

(1) Food advertising currently does affect the selection of particular brands of particular products but does not help young viewers to form a full dietary pattern within which the particular food should fit.

(2) These overall dietary patterns (whether healthy or harmful) are formed early in children and then continue to operate strongly throughout their later lives.

(3) Television advertising could play an important role in helping young children form healthy dietary patterns, and, if it does, the individual selection of good foods also will benefit.

SOME SUGGESTED PROCEDURES

Assuming, then, that it is to the advertisers' long-range benefit to guide children not only toward the selection of single products but toward forming a healthy dietary pattern as well how can we help children to become "nutritionally literate" in this sense?

The procedure I'll outline briefly draws directly upon my experience in designing the educational purposes of *Sesame Street* and rests on a simple premise: that it is easy for us as adults to state what we want children to know and then to assume that they understand what we want them to understand from what we show them on television—but what children do understand and learn is often far different from our expectations. We must have useful procedures for observing and interpreting the reactions of the children themselves.

Where do we start? First, we must know what children at different ages already understand about good nutrition patterns. I will not prejudge what is a question that can only be answered through research, but my guess is that even older children have very little objective and accurate knowledge about good nutritional patterns. They perhaps know individual brands and individual products but probably have only vague concepts about how these fit into a healthy nutritional context.

After identifying what children already know and do not know, industry people, television producers and writers, researchers who can evaluate children's reactions, and perhaps even academics who know about nutrition must combine their skills to decide (1) what areas of "nutritional illiteracy" in children are most in need of correction, and (2) what television techniques are most likely to achieve that mission.

Next, as these television materials are designed and developed, they must be tested on the children themselves. These tests must tell us, on the positive side, if we have caught and held the children's attention, how much they have understood or misunderstood from our segments, and whether the information we have provided actually changes their behavior. On the negative side, we must also see if we have created any unintended side effects that may harm the children rather than help them. Using these observations of children, we then can revise and modify our television segments so that they better meet the children's understanding and their needs.

I realize that this bare outline of procedures sounds both very simple and very complex at the same time. It is really simple in concept—find out what children already know, find a rational way to decide what information about nutritional patterns would be useful to them, and then find out what children are learning or failing to learn from our efforts. It can be complex in its execution—getting valid information about the reactions and perceptions of young children never is easy. However simple or complex it may turn out to be, it certainly seems worth the try.

CONCLUSION

I recognize that there are many complicate and subtle issues in advertising food products to children. I also recognize that at least the letter of the existing guidelines on advertising food products to children can be met with audio-tracks that speak of "balanced breakfasts" and visual-tracks that show the advertised product surrounded by other nutritional foods. But it is to our benefit—and to the benefit of our children—to try to do more. Let's make sure that we are teaching them something worth knowing about good nutrition, and, then, let's make sure from the children themselves that they are learning it effectively.

IMAGINATIVE PLAY AND NORMAL CHILD DEVELOPMENT BY JEROME L. SINGER, YALE UNIVERSITY

I. THE IMPORTANCE OF IMAGINATIVE PLAY

Pretending and making believe are true miracles of the human experience and they provide us with an awesome sense of the mysterious and powerful capacities with which we have been provided in the animal world. Through our ability to imagine things we can transcend time and space in a remarkable fashion. Events that have just taken place are subject in our capacities of imagery to an instant replay and then for the rest of our lives a further replay. It is true that with age our memories play us false or that scenes we recall from childhood will turn out to have been modified or exaggerated. Nevertheless we have gained a power over the inevitability of the passage of time by our capacity for rehearsing and replaying experiences. Beyond that we can also gain some control over the future for we can use our past experiences to anticipate what may happen to us in various situations that lie ahead. Naturally, our anticipations usually far out-run our capacities for achievement in reality. And so much of the nature of human tragedy, disappointment, deceit and error are based upon our faulty visions of the future or what Dr. Samuel Johnson called "the vanity of human wishes." But simply because we mislead ourselves through expecting too much from our future imagery we should not overlook how many times we do anticipate reasonably well what will happen and therefore guide our steps and actions more or less in the right directions.

II. ENHANCING IMAGINATIVE PLAY THROUGH ADULT MODELING AND TELEVISION

While all children show some imaginative or make-believe games as part of the normal development between the ages of two and three our recent research suggests that it is necessary to have some degree of further reinforcement or support from adult figures or from popular media to sustain the child's capacity for lively and enriched make-believe games. Parents who spend time with the child to tell him stories or actually participate in make-believe games are providing him with concrete material for assimilation into the hitherto limited cognitive schema of the memory system. The availability of television or other media stimulation which introduces humans, animals or cartoon figures also provide additional "stuff" for incorporation into solitary or small group play built around socio-dramatic themes. Most children probably do not get enough encouragement or opportunity to develop fully their basic capacity for imaginative or make-believe activities.

Here is where television commercials can play a useful role while at the same time carrying on their main purpose of calling attention to a product. By introducing children in a variety of intriguing imaginative games they serve two purposes. First of all, the very act of imaginative play observed by the child from the outside is self stimulating and attention getting. Children enjoy watching such play and are eager then to participate themselves. In addition, the plot lines of the imaginative play suggests new kinds of games and new play ideas to children which they can then practice either alone or with one or two peers.

There is considerable research evidence that suggests that children who do engage in imaginative play are less susceptible to some of the more hazardous influences of television, that is to say the likelihood of being frightened by certain types of shows or the likelihood of being aroused to a direct imitation of aggression. Watching television commercials in which children play happily with each other using fantasy and make-believe roles will instead foster further kinds of make-believe activities rather than the direct aggressive imitation which represents a hazard of the television medium on the basis of current research data. In this sense the position I have been taking is that one way of inoculating children against some of the more dangerous possibilities of television may be to increase their capacities for imaginative and make-believe play. Such capacities will on the one hand help them discriminate between what is real and what is fantasy in the popular media and in addition will give them a form of expression through which they can more gradually assimilate models of aggression or frightening content that they're very likely to encounter even on news shows as well as fictional shows. In other words, the use of make-believe and related social interaction activities in the television medium can have a pro-social and constructive effect in enhancing child development without in any way interfering with the commercial effect of the message. Indeed it is quite possible that the liveliness and enjoyment of the make-believe interaction represented in the commercial will hold the child's attention even better. An issue has often been raised about whether it is better to show real children or fantasy characters in a variety of make-believe situations. There is unfortunately not substantial evidence that can indicate the advantages either way. With respect to the children's direct imitation of violent behavior whether by fantasy characters or real characters it does seem to be imitation. On the other hand, there is less evidence that where live figures are engaging in clearly make-believe activities or are designated in costumes as representing clearly fictional settings there is likelihood that there will be no direct imitation but rather an incorporation into make-believe play. Combinations of adults and animated figures are also attractive to children and can also help to clarify what is real and what is make-believe if the adult makes some reference to this. In our research with the *Mister Rogers Neighborhood* television show we found that Mr. Rogers by his clear delineation of what is real and what is make-believe was effective in increasing the imaginativeness of children and their spontaneous enjoyment of make-believe games at other times when they were viewing the television.

REMARKS ON PROSOCIAL RESEARCH IN CHILDREN'S TV PREPARED BY ELI A. RUBINSTEIN, PH.D. FOR MEETING OF CHILDREN'S REVIEW UNIT, JUNE 30, 1975

In the past five years there has been a marked upsurge in the scientific study of the effects of television on the behavior of children. Two major activities stimulated this interest. One is the production and evaluation of Sesame Street. The other is the program of research on the effects of TV violence sponsored by the Surgeon General's program on television and social behavior.

The evaluation of the effects of Sesame Street clearly demonstrated that social science research, in conjunction with competent production can result in television programming which helps to educate children in a constructive and entertaining fashion. What is most important is that the Sesame Street experience has shown that precise goals could be set for what was to be learned and how the child's attention could be captured, directed and maintained in maximizing the opportunity for learning.

The major goal of Sesame Street is educational, but it also attempts to teach socially valued behavior or what has increasingly become identified as prosocial behavior. In all of this, as Gerald Lesser pointed out in his excellent book about the Sesame Street story, the clear lesson is that television can teach without hiding its educational intentions and yet attract a large and devoted audience of young children from all parts of the country.

By now the Sesame Street story is so well known, one would assume that commercial television would have imitated the model and begun to produce its own programming based on this wedding of social science research and competent production. In fact, except for a few special program efforts like "Big Blue Marble" and "Fat Albert" and spots like "Multiplication Rock," there seems to have been relatively little effort by the commercial networks to learn from this highly successful model.

The Surgeon General's program on television and social behavior came at the issue of the effects of television on behavior from a different direction. As many of you probably know, in 1969 Senator Pastore, as Chairman of the Senate Subcommittee on Communications requested the Surgeon General of the United States to conduct a scientific study to see if TV violence produces harmful effects on children. And, as you also know, two and a half years later after the expenditure of a million dollars and the publication of five volumes of research reports, the Surgeon-General's Scientific Advisory Committee on Television and Social Behavior did say, in its own official report, there was evidence of a causal relationship between TV violence and aggressive behavior in children.

What is not as well known is that the Surgeon General, even in his initial statement in 1969 about this massive research program, voiced his hope that we could learn more about how television can produce a positive stimulus for children at the same time that we assess the negative effects.

It is important to emphasize that, in finding a causal relationship for TV violence, the Surgeon General's research program also documented the larger relationship of TV viewing to behavior and thus facilitated the effort to look for the positive influences the Surgeon General initially hoped for.

The scientific background of evidence for this relationship between TV viewing and behavior comes from a large body of literature on what is called "observational learning." These studies, pioneered by Dr. Albert Bandura of Stanford University, showed that young children can, and under some circumstances do, imitate what they observe on television or in films. Insofar as violence is concerned, the fact that children can mimic aggressive behavior shown on film is perhaps the best documented finding in the research literature on the effects of the pictorial media.

And now we are beginning to accumulate evidence that children can and do learn from observing positive behavior. In one of the studies done for the Surgeon-General's program, Dr. Aletha Stern and Dr. Lynette Friedrich studied the effects of both aggressive cartoons and prosocial programs on the child viewer. They found some significant differences which Dr. Friedrich will describe for you in her remarks.

More recently, other social scientists have been attempting to try to answer the general question: "Can today's TV entertainment instigate socially positive behavior in children?" In a recently published report a group of us at Stony Brook (Rubinstein, Liebert, Neale, and Poulos) have looked at the effects on children of watching a well-known children's show, "Lassie," in which helping behavior is demonstrated and comparing that with another "Lassie" show in which no clear helping behavior is shown. The results, while not conclusive, indicate that at least under some circumstances a televised example can increase a child's willingness to engage in helping behavior.

In order to identify the positive social content in the programs, a method was developed to code program content. Among the categories of behavior which are coded are: sharing, helping, cooperation, showing sympathy, controlling aggressive impulses, explaining feelings of self to others, and resisting temptation. The commercial TP programs were coded by trained coders to measure the amount of prosocial content in the programs. In this way we were able to identify individual half-hour episodes of a particular series which were more prosocial than other episodes in the same series. This manual for identifying proscial content will be useful in further research in this area.

My colleagues, Drs. Liebert and Poulos are also developing another project which may be of special interest to this audience. They are creating 30-second spots which dramatize how a positive solution can be found for a situation involving interpersonal conflict. They have borrowed somewhat from the Sesame Street model by pretesting the spots for the clarity with which they convey the intended message, the attraction they hold for youngsters and the potential they have to influence behavior.

One such spot, "The Swings," has been produced and shown publicly. Some of you may have seen it. It opens with a boy and a girl each about ten years old running to grab a swing in a playground. After struggling to get sole possession, one child suggests they take turns and yields the swing to the other. The spot ends showing them taking turns and joyfully swinging with the help of the other child.

A number of other approaches are now being taken to explore the prosocial dimension of television programming. Dr. Friedrich will tell you about some of these. I just want to close by emphasizing the relevance of all this to the impact of commercials on the child viewer. What we have learned about the visual impact of television on the children, both negative and positive is not just true for the program portion of what the child watches on the TV screen. The principles of observational learning are just as valid in the viewing of commercials as they are in the viewing of other program content. Initial evaluation of the effects of "The Swings" indicates that watching that 30-second spot instead of a regular commercial increased the likelihood that cooperation would be employed in a simulated play situation.

Obviously we need to learn much more about how television can be a more positive influence on the behavior of children. What is, however, very clear right now is that the potential is there.

CAN PRAGMATIC MARKETING AND VIRTUE MARCH TOGETHER? ASK THE CHILDREN!

(By Scott Ward)[1]

The single message that I want to get across this morning is that you're going to have to do research with children if you really want to understand your advertising's effects on children.

Contrary to what the critics might think, no major advertiser to children consciously sets out to deceive his audience. You can see the evidence for this assertion if you look at the cases opened by the NARB, the NAB, and the FTC. Those involving major advertisers concern the "grey areas," where there is legitimate controversy about just what effects a particular ad might have. The problems arise because children are a special audience; compared to teen-agers and adults, they see and understand the world differently. In the rush of meeting deadlines and production schedules, advertisers don't always do as thorough an advertising pre-testing job as they might. And all the experts and consultants and copywriters who are supposed to be guru's with kids just aren't as reliable as data from kids themselves in understanding how advertising affects them.

Obviously, I'm not just talking about copy testing research; I'm talking about research beyond copy tests to determine if children *do* know how fast the toy moves, if they *know* how big it is; if they *know* what comes with it. In advertising for *any* product or service—does the message come across to the children in ways that constitute fair and accurate communication with them? In short, research with kids is needed for copy testing—does the marketing objective get across? It's also needed so that advertisers can know that some message element did not inadvertently create a wrong or false impression. And if you're including pro-social elements in advertising, research with kids can measure whether you actually communicated the pro-social elements.

There are all kinds of excuses *not* to do research with kids: "The data aren't valid," "there's not enough time," and so on. But you can find the time to copy test, and, let's face it, big budget advertising decisions are often made on the basis of small sample research with children. One advertiser did tell me that doing research beyond copy testing with kids "might invite trouble." If that's the attitude, God help us all.

Three companies—Hasbro, Ideal and Kenner—were kind enough to let us do a very small research project with four ads: (1) Weebles Marina and Inchworm (Hasbro); (2) Mighty Mo (Ideal); and (3) Spirograph (Kenner). We simply showed the ads two at a time to a small group of children, and asked some open-ended questions, with gentle probes. We listened to the tapes, and learned some things.

First, the ads seem to communicate well. The kids remembered the ads, what happened, the music, and they had good ideas of what the products were what they were called, and how you use them. They liked the ads, particularly the music, and they liked them because they were "real." The kids were referring to the fact that the exhibition of play value in the commercials was consistent with their perceptions of how they would play with them, and the intensity and enjoyment they'd experience. They also meant that the ads were "real" because they show you how to use the products. This desire for "reality" is something we've found in a lot of research on kids and advertising, and it reflects the importance of the largely perceptual world of the youngest kids—5 and 6 years old. I'm not saying that kids don't like fantasy in advertising—in fact they do. But when they think something ought to look real, like how a product is supposed to be used, then they like a "real" portrayal.

Now, going beyond these kinds of effectiveness measures, the ads give kids a true and accurate picture of the products. The children could accurately describe just how fast the inchworm and the truck go; they understood the purpose of the spirograph and how you use it. They knew just how big the Weebles were, and the ad stimulated them to think of some creative play situations beyond those shown in the ad itself.

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[1] Remarks prepared for meeting of sponsors of the Children's Review Unit in the National Council of Better Business Bureaus, New York, June 20, 1975. Scott Ward is Associate Professor of Business Administration at Harvard University, and Senior Research Associate at the Marketing Science Institute, Cambridge, Mass. MSI is a nonprofit organization affiliated with the Harvard Business School, which conducts basic research in marketing.

Now, I'm not making claims for the little study we did—we didn't put the ads in a program context, we didn't use several kinds of behavioral and projective measures, as well as verbal responses. But it is possible to do research with kids. Advertisers do it in copy testing and new product tests; Sesame Street continues to demonstrate that useful data for communication decisions can be obtained from kids as young as three. And our little study has attempted to show that research can:

1. Help you see if marketing objectives are met;
2. Provide a check to insure that your advertising does not inadvertently result in a picture of your product that is confusing or misleading to children;
3. Help build a body of knowledge to help advertising planners *effectively and fairly* communicate with children.

The four ads we showed kids were finished ads, but, research can be done—and some companies have done it— with less than finished ads. And the findings have been used by advertisers to change some message tactics before the ads are in the can.

Marketing effectiveness, *and* the virtue of knowing that your advertising is "right" in terms of children's developing cognitive abilities, *can* march together. But you've got to ask the children!

Mr. MACDONALD. I just received a note that Mr. Wirth would like to submit to the NAB some written questions for the record, and we will keep the record open until you have received the questions and have had a fair opportunity to answer them.

Mr. SUMMERS. We will be pleased to answer them.

Mr. MACDONALD. Thank you, Mr. Summers, and thank you, Mr. Campbell.

Would you care to ask any questions for a few minutes of the last two witnesses?

Mr. BRODHEAD. I have no particular questions in mind. So whatever you wish to do, Mr. Chairman.

Mr. MACDONALD. Well, I was indicating that there is an energy bill on the floor right now, and I was operating within the law almost, but I didn't want to put the thing in inasmuch as we had not had unanimous consent.

Mr. BRODHEAD. I have no objections, and if you want to sit, however, I am going over to the floor pretty soon, but I am anxious to cooperate with you.

Mr. MACDONALD. Right, and I know you are. Everyone is anxious to cooperate, and the record will speak for itself. I have maybe two questions that you can answer.

Well, I tell you, I have about four questions, and I will send them to you, and if you can send the written answers back here, they would be incorporated in the record.

Mr. CAMPBELL. I will be happy to.

Mr. MACDONALD. I am being as close to Solomon as I can come.

Thank you all very much, and the hearings are adjourned until tomorrow at 10 a.m.

[The questions and answers referred to follow:]

QUESTIONS FOR MR. CAMPBELL AND MRS. GRIFFIN

Question 1. Do you see this agreement regarding the number of minutes of advertising in children's programs as being the end of it as far as you are concerned, or will you be prepared to accept some further reduction sometime in the future?

Answer. The responsibility for number of commercials per program lies with broadcasters, not principally with advertisers. This question would be more appropriately addressed to broadcast self-regulators. Our group, the Children's Advertising Review Unit, National Advertising Division, Council of Better Business Bureaus, confines its efforts to advertising content which might be misleading or unfair to children's perceptions. It does not seek to regulate the number of commercials in a given time period, and has not take any official positions as to what an appropriate number of commercials in children's programs would be.

Question 2. Regarding the content of advertising, are there any products that you feel should not be advertised to children under *any* conditions?

Answer. Our feeling is that no products should be advertised directly to children which are unsafe for them or which might be inappropriate for them to use. Our recently issued Children's Advertising Guidelines require that: "Products which by their very nature are not primarily intended for use by children should not employ advertising directed to children; nor should such products be promoted by premiums or other means directly to children." Additionally, these Guidelines specify that: "Medications, drugs, and supplemental vitamins (liquid or pills) should not be advertised to children." Beyond this, the Guidelines advise that "advertisements should avoid demonstrations or portrayals that encourage misuse, or dangerous or inappropriate use of the product which is inconsistent with generally accepted standards of safety."

Question 3. Although as an industry lobby group you obviously favor self-regulation, wouldn't it in fact be better to have regulation in the area of the amount of advertising allowed per hour since many broadcasters are not members of the NAB or the Code Authority and pay little, if any, attention to your guidelines or suggestions?

Answer. Mr. Chairman, while we are an industry group we are not a lobby. Moreover, while we favor self-regulation, we recognize that the best protection for consumers, including children, can most likely be achieved by a combination of self-regulation efforts and government regulation, in areas where self-regulation cannot be completely effective. However, with regard to the amount of advertising per hour, we suggest once again that this responsibility lies with broadcasters, not advertisers and advertiser-supported self-regulation.

Question 4. What do you think would happen if advertising were eliminated completely from pre-school programming?

Answer. This question appears to be related to the economics of broadcast programming for pre-schoolers. *I.e.*, the sense of the question appears to be, would pre-school programming decline in quality without advertisers revenues? This is a question best answered by those who have direct knowledge of the amount of revenue presently available from advertising for development of pre-school programming. There are many who say that the best commercial programs presently being designed for pre-schoolers are already running at a loss. However, this is not a subject of which we have any direct knowledge.

Question 5. Do you feel that pre-schoolers should be advertised to? Can they understand what's happening in an ad directed toward them?

Answer. If children are special, pre-schoolers are the most special of children. While they can certainly understand commercials, in the sense that they can remember brand names, identify brands, tell in many instances just what the commercial said and what the product does, and ask their parents for it in the store, this very responsiveness of young children to advertising imposes special obligations upon advertisers. Realistically, so long as pre-schoolers and older children watch television programs together, advertising messages cannot be designed entirely in the interests and at the comprehension level of the pre-school child. However, when pre-schoolers are the principal group addressed (as when a toy is primarily designed for the pre-school child) we would expect that the content of the commercial, including positive disclosures, would be explained clearly and carefully, in terms which a younger child could understand. With pre-schoolers, extreme care should be taken in the use of fantasy and animation not to create unrealistic expectations of product quality or performance.

Question 6. During the hearings, some of the consumer interests suggested that your advertising review board include members of the public. Would you please comment?

Answer. Our advertising review board, the National Advertising Review Board, presently has 20% public members. (Of its fifty members, ten are public;

ten are from advertising agencies: and thirty are from advertisers.) If a panel must be appointed to adjudicate a case, five members are chosen of whom one is a public member, one an advertising agency member, and three are from advertisers. It is worth noting that consumer interests have been represented on the advertising review board among the public members, as have universities, foundations, publications, and other non-industry institutions. A list of the public members who currently serve on the National Advertising Review Board is attached.

(Additionally, the seven consultants who meet with the Children's Advertising Review Unit in an advisory capacity provide a kind of public, or at any rate, non-industry access to the mechanism.)

[The following letter was received for the record:]

COUNCIL OF BETTER BUSINESS BUREAUS,
INTERNATIONAL ASSEMBLY OF BETTER BUSINESS BUREAUS,
New York, N.Y., August 5, 1975.

Hon. TIMOTHY E. WIRTH,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. WIRTH: I am sorry that Steve Campbell and I did not have an opportunity to speak with you at the recent hearings about some aspects of our program which have special pertinence to many of the questions which you raise about the lack of research evidence on children's perceptions of advertising.

I refer specifically to the fact that the Children's Advertising Review Unit last year engaged as consultants seven of the leading research people with expertise on children and the effects of the media.

Among them are Eli Rubenstein, Professor of Psychiatry at Stony Brook and the former chairman of the Surgeon General's committee on Television and Social Behavior (he is, incidentally, a colleague of Dr. Liebert's and serves on the board of Dr. Liebert's Media Research Center); Gerald Lesser, Bigelow Professor of Education and Development Psychology, Harvard School of Education, and Chairman of the Board of Advisors of the Children's Television Workshop; Scott Ward, also of Harvard, Graduate School of Business, and (to many minds) the foremost researcher on children and advertising. Both Dr. Lesser and Dr. Ward serve on the committee of the on-going NSF project. The four other members of our committee are as distinguished, and I am attaching a list of their biographical data.[1] Of particular interest is Dr. Norge Jerome, a nutritional anthropologist who is a Founding Member of the Council on Children, Media and Merchandising.

This very qualified and distinguished group has met with us continuously during our first year of intensified review of children's advertising. They have offered us guidance from existing research on child development, child behavior, and on the effects of the media upon children. These discussions have led to the opening of a number of cases involving advertisements directed to children. They have also led to modification of our Children's Advertising Guidelines, which were made public in June of this year. I am taking the liberty of attaching a press release which accompanied those guidelines, and which noted five ways in which the Guidelines had been modified. I am also attaching an extra copy of Mr. Campbell's July 15 testimony, with passages marked which describe the aspects of our program which pertain to research.

Beyond all this, a major subject of our discussions with our consultant group this year had been the need for more research and more pertinent research on children's perceptions of advertising.

In fact, we have already drawn up a list of areas for needed study of children's perceptions of advertising directed to them. We have singled out some representative commercials which might be tested to determine answers to some of those questions. We have discussed the manner of implementation of such research, from several points of view. Mr. Choate has spoken to this group and expressed his concerns about the safety implications of some adult advertisements, and about children's viewing of prime-time advertising. And the drafting of research on children's perceptions of advertising is well within the scope of our present program.

The purpose of this letter is merely to say that the need for research is understood by us and is being addressed now. And I would like to ask if you would consider inclusion of this letter in the record, which I understand will close this week, as a statement of the willingness of our self-regulatory mechanism to be responsive to the suggestions raised by the Subcommittee.

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[1] See attachment E to prepared statement of Roland P. Campbell, p. 271.

I have read with interest your proposed legislation, The Children's Fair Advertising Practices Act, and, while I cannot comment upon the specifics of it at present, I have to applaud the spirit of such a proposal. Yet, I must also observe that some of the action proposed is a parallel to what we are presently doing.

It seems to me that if government undertakes such a program, and can make the dollars available for study of children's advertising, the initial work of our group and our mechanism based on one full year of effort, funded by the private sector, should provide an initial thrust for the program, and might save going over the same ground with an entirely new group.

In the meantime, while the legislation is pending, I would happily discuss with you how the work of the Children's Advertising Review Unit and its group of advisors could be guided in the coming months to accomplish—initially at our expense—at least some of what you would propose doing at public expense.

Though, in a recent article in the "Washington Post," you stated that I describe our mandate "mechanically," I can't believe that you have pre-judged the sincerity of our efforts from afar. I would like very much to share with you our thoughts about responsible children's advertising.

I would ask, if possible, that you will place this letter in the record, and I trust that I will hear from you very soon.

Very sincerely yours,

EMILIE GRIFFIN,
Director, Children's Advertising Review,
National Advertising Division.

[Whereupon, at 1:20 p.m., the subcommittee adjourned, to reconvene the next day at 10 a.m., Wednesday, July 16, 1975.]

BROADCAST ADVERTISING AND CHILDREN

WEDNESDAY, JULY 16, 1975

House of Representatives,
Subcommittee on Communications,
Committee on Interstate and Foreign Commerce,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to notice, in room 2322, Rayburn House Office Building, Hon. Torbert H. Macdonald, chairman, presiding.

Mr. Macdonald. The hearing will be in order.

This is the third day of our hearings which are focusing on problems associated with broadcasting directed toward children.

For the record, I would like to point out that yesterday there was some, it seems to me, criticism, not couched in that exact term, and the implication was that broadcasting was being singled out by this committee for special treatment, "adverse treatment" being the implication.

I want to emphasize this morning, as I tried to yesterday, that the reasons for our focusing on broadcasting is that broadcasting is a regulated medium, unlike newspapers and unlike the printed media, including comic books, which were referred to yesterday; and it is regulated, of course, because broadcasters do not use their own property but the property of the public. They are given a license to use a public resource, and in the judgment of the framers of the act and of the many Congressmen since then, including this one, owe the public something in return.

Broadcasting has always been regulated, and as things stand at the moment, it looks as though it will continue to be.

Having said that, however, I want to repeat what I also said on the first day, that I have never suggested—nor do I intend to, because I don't believe it—that broadcasting itself should be unprofitable. I fully accept that a commercially based system of broadcasting is a fact of life, and much of it is very good and a good job is done by broadcasting, but I don't think it is quite fair that some broadcasters make economic arguments in public and to the public and then refuse to substantiate these arguments with any facts and figures which the Congress can either take a look at and act upon.

It seems to me if they make a claim of economic hardship and, in essence, indicate this is because of regulation, that they ought to be prepared to back up those claims, claims which we can see clearly.

In the first 2 days of these hearings, there has been some, at times, lively discussion with a good deal of disagreement among the witnesses about what do do in broadcast advertising that is directed toward children.

Today we are going to continue along those lines with our three witnesses, Mr. Lewis Engman, Chairman of the Federal Trade Commission; Dr. Robert Liebert, a distinguished researcher in the field of advertising directed toward children; and Mr. Aaron Locker, who represents the Toy Manufacturers of America.

Mr. Engman has made, I believe, a number of speeches on the subject of advertising to children. I believe I am right, Mr. Engman—and, if I am not, I am sure you will correct me—that your very first speech after becoming Chairman of the Commission was on that very topic, and it was, as I recall it, a very tough speech.

As a result, many consumer groups got their hopes up. Many consumer groups expected action soon after that speech; but, to my knowledge—I hope you can help us out in this matter—to my knowledge, there has been no action in this field by the FTC, and perhaps we will be able to hear why that is so.

Dr. Liebert has served as one of a number of researchers associated with the Surgeon General's report on the impact of television violence on young people and has been very active in the field of research into the effects of television on children through program and advertising content.

Our third witness will be Mr. Locker, who will represent one of the biggest groups of advertisers on television, that of the toy manufacturers. His group, as he well knows and as many of us know, has come in for much criticism from any number of different sources, and I think it is only fair that Mr. Locker be given an opportunity to express his views and the views of his clients.

First we will hear from the distinguished Chairman of the Federal Trade Commission, Mr. Lewis A. Engman.

Welcome, Mr. Chairman. First of all I would like to make this one point for the record: We waited until about—it must have been quarter of six last night, waiting for your statement and—I am sure you know the rules—some of the members have not as yet even seen it. I happen to have worked fairly late last night so I have seen it, but many of our members have not seen it, and I hope that it is something you will take up internally.

I don't care who is responsible, and I think certainly I am not going to try to blame it on you, because obviously you must have had very little to do with it. But the rules of the committee—as a matter of fact, practically every committee of the House—require testimony to be submitted 48 hours in advance of the hearing date.

I thought perhaps the statement was going to be a very long one, but it turned out to be only seven pages. So I don't know what happened to it; I leave that up to you and your staff. But, if you care to proceed, Mr. Chairman, we will be happy to hear from your.

STATEMENT OF LEWIS A. ENGMAN, CHAIRMAN, FEDERAL TRADE COMMISSION

Mr. ENGMAN. Thank you very much, Mr. Chairman and members of the committee. I am very much pleased to be here this morning. This is my first appearance before this subcommittee of the House Committee on Interstate and Foreign Commerce. On behalf of the Federal Trade Commission I will discuss unfair and deceptive television advertising aimed at children.

Let me say first of all, Mr. Chairman, that I did have a great deal to do with this statement.

Mr. MACDONALD. I didn't say you had nothing to do with the statement itself, Mr. Engman.

Mr. Engman. I believe there was an implication made that I didn't have much to do with it.

Mr. MACDONALD. I will give you absolution for not receiving it until about 6 o'clock and, if you don't want absolution, that is okay with me.

Mr. ENGMAN. I want the record to make it very clear that I did have a great deal to do with this statement. I must apologize to the committee for the lateness of the hour at which you received it.

I do want to point out, however, that this statement has also the approval of all five members of the Federal Trade Commission and that sometimes the deliberative process of a multiheaded body takes a little longer, as the Chairman knows from his experience in the Congress—I do apologize if the Commission's tardiness caused any hardship for the committee.

As you know, the Federal Trade Commission is charged with preventing unfair or deceptive advertising of all sorts. We do not have jurisdiction over program content of television programs and we do not have jurisdiction over the frequency with which commercials are permitted in any given program.

Those are matters of concern, I recognize, to this subcommittee during these hearings but those are not matters over which we have jurisdiction. They are within the jurisdiction of the Federal Communications Commission.

Our sole interest is in the content of advertising. Is is deceptive? Is it unfair? And unfair or deceptive advertisnig directed at children is understandably an area of special concern. It is a public policy which is deeply imbedded in the Anglo-American common law. It is a public policy which is deeply imbedded in our statutes, that children should be protected from their own vulnerability.

Mr. Chairman, in your opening statement, you mentioned I had made some speeches on this subject. That is true. I have made those speeches because I believe it is important to call attention to some of the problems which exist in this area relating to the content of television advertising directed at children.

Far from there having been no action, I think there has been significant progress, even though more remains to be done. I am going to get to that a little later.

In June last year I said I had serious reservations about five practices used in children's television advertising: First, making premium offers, which multiplies the difficulties of choice and increases the likelihood of confusion when the premium is irrelevant to the merits of the product; Second, using hero figures, whether from the world of sports, entertainment, cartoons, or the program itself, which may reduce the child's power and inclination to discriminate; Third, advertising vitamins and over-the-counter drugs to children; Fourth, advertising dangerous toys or other products hazardous to health or safety to children; and Fifth, failing to provide audio as well as video disclaimers.

Now, at that time, a year ago, I also noted several arguments which had been advanced in defense of current advertising practices. These arguments were the children, like adults—though perhaps in lesser measure—were capable of exercising skepticism and that children ought to have exposure to exaggerated claims since it was part of their learning and maturation process to learn how to discount them.

The gist of these extraordinary arguments was that misleading ads wouldn't hurt the kids because they wouldn't believe them and that they wouldn't believe them because they would learn from experience that they were not true. In other words, deception was being put forward as its own defense.

I am happy to be able to say today that it has been some time since I last heard arguments of that nature being made; and, while more remains to be done, I suggest that in fact a good deal of reform in the area of the content of children's television advertising has occurred since last year and much of it has come from the industry.

Last July the National Association of Broadcasters took steps to amend its code to correct three of the problems which I mentioned above. It banned ads for vitamins and over-the-counter drugs on children's television. It also required that advertisements and products advertised on children's television "should be consistent with generally accepted standards of safety." Finally, the NAB required a clear separation of programs and commercials and required audio as well as video disclaimers to avoid misrepresenting the appearance and performance of toys.

Now, apart from the National Association of Broadcasters—the NAB—the National Advertising Review Board also established a special children's unit and issued an extensive report on safety in advertising. The report emphasized responsibility of advertisers and advertising agencies to avoid portrayal of unsafe practices, particularly to children. This report, I think, is a good start toward directing the attention of advertisers to the dangers inherent in portraying certain types of behavior, and I think it is incumbent upon the industry to continue and increase its enforcement efforts consistent with the direction of that report.

In short, spurred by public opinion, spurred by the Congress and spurred by the independent agencies and specifically the Federal Trade Commission, the broadcasting industry has begun to move toward allaying some of the criticisms of content of children's advertising on television. Although, quite frankly, we would like to see an increase in the magnitude of this movement, we think that it is the industry and particularly the NAB that deserves credit for these beginning efforts.

Last July the Commission also proposed a guide which would declare that the use of premiums in children's television advertising is an unfair practice under section 5 of the Federal Trade Commission Act.

The extensive comments which were received by the Commission on its proposed guide—both pro and con, I might add—indicate a very high degree of public interest in the issue of television advertising directed at children.

After the comment period ended, a new study by a group from George Washington University came to the Commission's attention which appears to present some new findings relative to the proposal and, accordingly, the Commission determined it should reopen the record and request comment on this new study from interested parties. That 30-day comment period will expire on August 7.

The Commission staff also is exploring the practice of using children's hero figures to promote sales. It appears that there is a paucity of information on the reaction which children have to such advertising, and the staff consequently is in the process of preparing a request for proposals for a study of this practice funded by the Commission.

Now, additional information is needed in other areas as well. In December 1973, I asked the National Science Foundation to consider commissioning research on children's perceptions of and children's responses to television advertising. Early this year the National Science Foundation, in response to that request, offered and awarded a grant for this purpose to a group of researchers on communications and child development and the project is now underway. Although the study is still in its beginning stages, it should add significantly to the state of knowledge.

There has been a petition filed with the Commission by the Council on Children, Media, and Merchandising which raises the point that children may do much of their television viewing at times when they constitute a minority of the audience. It is argued that, during these times, they are exposed to advertising aimed at adults which may portray potentially hazardous products or behavior the hazardous nature of which is inadequately disclosed.

The Commission staff at the present time is evaluating the petition. The staff also has been examining the overall problem of safety in advertising, not just the limitations set forth in the petition, and shortly will be making its recommendations to the Commission.

In addressing these issues and particularly the effect that advertising directed to a general audience may have upon children who compose a minority of that audience, I think we have to ask ourselves several questions.

Unlike advertising directed solely to children, this area, which is an area that has just recently been raised, presents subtle and difficult issues. First, how much should one restrict an adult audience's right to get information because some children are watching the program? When children do watch prime time, are adults keeping them company? If so, is it fair to expect the adults to dilute any potential negative effects of the message?

Does general advertising carry as great a risk of deliberate exploitation of the most credulous viewers, as does children's advertising? Are advertisements presented to a mixed audience directed toward the majority of the viewers—adults—or to the most vulnerable viewers—children? Regardless of intent, what is the effect of that advertising on both sets of viewers? Are children less persuasive in affecting adult purchasing behavior when the adult purchaser has been exposed to the same commercial message? Do we need to draw distinctions according to the time in which a commercial appears? For example, should some commercials for products hazardous to children be banned from early prime time?

These questions are difficult but the answers to them are extremely important in fashioning the right public policy in this area.

In concluding, Mr. Chairman, I would like to say I think there has been considerable action in the area of the content of children's television advertising during the past year. We, at the Federal Trade Commission, have been particularly pleased to see the broadcasting industry begin to move self-regulation in several areas. The self-examination of general practices that is involved in the NARB report on safety is an encouraging sign and I hope that other advertising industry organizations would also broaden their areas of concern.

Adequate and effective—and that means in terms of enforcement as well as promulgation of rules—adequate and effective self-regulation aimed at protecting the public is preferable, in my judgment, to exclusive governmental regulation.

Anyone who has ever had the experience of having an outside party tell him how to run his business will know it is a lot easier, it is a lot cheaper, it is a lot more efficient and a lot less frustrating to do it himself. Too many industries have learned that lesson at too high a cost—a cost not just to themselves but to their customers and to the public in general.

Today there is a perceptible trend toward reexamining the costs and benefits of Government regulation. One way for business to demonstrate that it is capable of protecting the public welfare at the same time it responds to competitive pressures is for a business to maintain effective means of self-regulation.

But where that self-regulation—and particularly in the context which we are addressing this morning—where that self-regulation of the content of children's television advertising fails, the Federal Trade Commission will not abdicate its responsibility to enforce prohibitions in the law against deceptive and unfair advertising. We will continue to exercise that responsibility.

Thank you, Mr. Chairman. I would be happy to respond to your questions.

Mr. MACDONALD. Thank you, Mr. Engman. Of course, we do have questions of you. There is a call of the House and we are trying to find out whether it is a notice call of the House or a real call of the House.

I understand it is a regular quorum call. We will be right back within 8 minutes, I would think.

[Brief recess.]

Mr. MACDONALD. Mr. Engman, you started your statement talking about FTC and what its duty is, and it is perfectly clear, is it not, as you said, that you just have jurisdiction over the deceptive advertising and deceptive practices?

Mr. ENGMAN. Deceptive and unfair advertising, Mr. Chairman.

Mr. MACDONALD. Explain to the chairman what "unfair" means, unfair to whom?

Mr. ENGMAN. "Unfair" means unfair to the individual or class of individuals toward which the advertising or the practice is directed. It is a term which has not yet been fully defined within the law. It has been dealt with by the Supreme Court in such cases as *S&H* v. *FTC* and others but it is a developing area of the law. It is important to think in terms of developing theories of unfairness.

Mr. MACDONALD. Right. So, really, you have no jurisdiction over children's advertising, according to your statement, unless it is deceptive?

Mr. ENGMAN. Our only jurisdiction is with respect to the content of the advertising and "Is the advertising deceptive or unfair?"

Mr. **Macdonald**. That is what I said; I didn't know what you meant by "unfair," unfair to competition, or unfair to the parent, or unfair to the child. Unfair? You know, what is unfair?

Mr. **Engman**. Section 5 of the Federal Trade Commission Act speaks in terms of unfair or deceptive practices.

Mr. **Macdonald**. "Deceptive practices"—I understand that completely. I don't quite understand what you mean by "unfair".

I hope we don't get into a morass of Supreme Court decisions, but I would like to know if you have any shorthand for what you consider "unfair"?

Mr. **Engman**. This is a legal concept which is developing.

I don't believe we should attempt to draw parameters or to box in that concept.

However, as I indicated last June in my judgment it was an unfair practice under section 5 of the Federal Trade Commission Act to use premiums in children's television advertising.

Mr. **Macdonald**. And in your tough speeches that you gave, you indicated the FTC was going to solve some of these problems.

Mr. **Engman**. I did not indicate the Federal Trade Commission was going to solve all of these problems. I said action needed to be taken to handle these problems.

Mr. **Macdonald**. All I ask is for information and if you say something, I will just take you at your word.

Did you give an indication to consumer groups that they now had any hope from the Federal Trade Commission, that they would have a voice speaking for them about children's advertising in broadcasting?

Mr. **Engman**. I cannot speak as to the reaction of various consumer groups. I have been speaking forcefully on this issue because I believe it is an issue which merits attention and action.

What we, at the Commission, have been concerned about, as I indicated in the statement this morning—which is consistent with the statements and speeches I have given before—is that results flow from this process.

I indicated as far back as August 1973, it would be preferable that many of these steps be taken by the industry itself; that we have more responsible self-regulation, but, if necessary, and, where necessary, the Government would have to fill the void.

Mr. **Macdonald**. Right. And you talked of five things you recommended. Then you listed the five things that bothered you which were corrected by the industry itself; is that right?

Mr. **Engman**. I don't understand your question.

Mr. **Macdonald**. What we are talking about is changes that were made since you have been at the Federal Trade Commission and you say that the changes that came about were due mainly to action taken by the broadcast industry, that of the three networks, in effect.

Mr. **Engman**. I think what you are getting at is "Were these the result of any action at the Commission?" I, frankly, am not interested in taking credit. I don't happen to be running for office at the present time and my concern is rather for what has been accomplished.

Mr. **Macdonald**. Well, you didn't get your job without some political influence, so let's not "pooh-pooh" whether or not you are running for office. You mean you don't want that job again that you are in?

Mr. **Engman**. Mr. Chairman, I am not "pooh-poohing" anyone's running for office. I think it is a most honorable profession.

Mr. **Macdonald**. I am not, either. I am saying: Are you trying to tell me, not telling, but attemping to tell me that you got that job without political influence?

Mr. **Engman**. Mr. Chairman, when I was asked to accept the job which I have, it was the first time I ever heard about it. I never made any request to have the appointment. But that is beside the point.

I think politics is an honorable profession in this country, and in fact, we have need for more people to enter that profession rather than less.

My concern is not so much who gets the credit for what has happened, but rather, that something has happened.

All of the accomplishments referred to in my testimony have occurred during the past year after both of my speeches. One of the concerns expressed in my speeches was that it was time for the industry to get moving.

Mr. **Macdonald**. In other words, I would take it you think the Federal Trade Commission sat on their hands concerning this, because they are charged with the duty of overseeing the quality and, to some extent, the quantity of the advertising?

Mr. **Engman**. Mr. Chairman, I want to make very clear that what I am talking about this morning is the expertise of the Federal Trade Commission; a narrow aspect of the broader subject which you are addressing. The Commission has jurisdiction over the content of advertising directed to children to determine whether such advertising is unfair or deceptive. The remarks I have made are directed to that point. I am not an expert in some of these other communications matters, and I don't want to express an opinion one way or the other on them.

Mr. **Macdonald**. Well, to discuss advertising, and that is what we are talking about, advertising in broadcasting, you have to know something about the broadcasting business to know whether or not what you are talking about makes any sense to the broadcasters. I would think that would go without saying.

But if you talked to them in such a way, and you have no knowledge of broadcasting, they wouldn't pay any attention to you at all.

Mr. **Engman**. I have knowledge of broadcasting, but to that extent that I know who they are and in general terms, but I don't have specific knowledge of the ins and outs of prime time and all of these specific matters of recollection which are the subject of this subcommittee's jurisdiction as well as the Federal Trade Commission's jurisdiction.

The Commission has knowledge and expertise with respect to advertising and unfair or deceptive advertising. To the extent that the broadcasting industry is also concerned—as NAB indicated by its actions that it is—to the extent about advertising and truthfulness or deceptive advertising, the Commission has a basis for talking to them, and, in fact, I have had a dialog with the industry since I have been at the Commission.

Mr. **Macdonald**. And you think, as a direct result of this dialog, these five changes that you indicated were made?

Mr. Engman. Mr. Chairman, I don't want to say as a direct result of any dialog. I can only tell you what I know to be the facts. I have been outspoken on this subject, and I have had meetings with most consumer groups and with broadcast and advertising industry groups on this subject, and I do know, whether or not it is a result of what I have said or what somebody else has said, or a combination of factors which caused some action, that, in fact, action has occurred which, in my judgment, has been in the right direction during the past year on the subject of content of advertising on children's television.

Mr. Macdonald. But you say you have no knowledge what the Federal Communications Commission does in this?

Mr. Engman. No; I am sorry. I want to make that clear, too, Mr. Chairman. I generally am aware of what the Federal Communications Commission's responsibilities are.

Mr. Macdonald. I am not talking about its responsibilities, but talking about what it is doing.

Mr. Engman. I have periodic meetings with Mr. Wiley, and I do know the general thrust of what they have been doing.

Mr. Macdonald. How often?

Mr. Engman. Mr. Wiley and I see each other irregularly, but quite often.

Mr. Macdonald. I know Chairman Burch set up sort of a joint liaison committee between the Federal Trade Commission and Federal Communications Commission. This committee which used to meet regularly began to meet more and more infrequently until now when there seem to be no meetings at all.

Mr. Engman. I have frequent conversation with Mr. Wiley, both personal, and I have lunched with him from time to time, and we meet in other settings where we have common responsibilities, and I feel that my relationship with Mr. Wiley is a very good one. When there is a development of some significance from our point of view which I think he should be aware of, I advise him of that fact. I think he does the same with me, so I know in general terms what they are doing.

However, I don't consider myself an expert in the technicalities of FCC regulation.

Mr. Macdonald. What I am trying to find out is whether you had set up a committee at the Federal Trade Commission and a committee at the Federal Communications Commission to meet together to talk over issues of mutual concern. I do not mean a meeting over lunch or a football game, or basketball game or something, where you might meet with Mr. Wiley, but a regular meeting scheduled between the two groups. Also, since you say you are only 1 of 5 Commissioners, and it is so tough for you to get the five together that we didn't get this document until 6 o'clock last night, I think it would be awfully difficult for you to get them together to let them know about a personal conversation you had with Mr. Wiley. Of course, maybe I am incorrect.

Mr. Engman. Well, I am not sure of what the question is, Mr. Chairman.

Mr. Macdonald. I will put it this way: Do you or do you not have a committee set up within the Federal Trade Commission that meets with a committee of the Federal Communications Commission and exchanges information about which group is doing what for children's television and other problems that are common to both of the Commissions?

Mr. **Engman**. There is no such committee at the present time. If there were need for such a committee, I would establish such a committee.

I believe, at least from the evidence I have seen thus far, that the interchange and the interrelationships we have are more than adequately handled under the present liaison arrangement.

Mr. **Macdonald**. Well, are you aware there was such a liaison committee when Dean Burch was Chairman of the Federal Commmunications Commission?

Mr. **Engman**. There was no children's television committee during the time I have been Chairman of the Federal Trade Commission. There may have been one prior to that time.

Mr. **Macdonald**. And you would have known?

Mr. **Engman**. I should have known.

Mr. **Macdonald**. No; would have. I didn't say should have.

Mr. **Engman**. I can't say whether there was some secret meeting unknown to me.

Mr. **Macdonald**. Well, gentlemen, we are getting into secrets and everything. Now you have me saying that you think I think they are meeting in secret.

Mr. **Engman**. I did not.

Mr. **Macdonald**. That is all I have been trying to get from you for a long time, and my committee does not always have the time to get into exactly what they did. When I ask you a very simple question, and it has taken me about three minutes to get an answer to it, your answer is "No; there is no committee between the Federal Commmunications Commissions and the Federal Trade Commission to discuss common problems", am I right?

Mr. **Engman**. That is my answer. I know of no such committee.

Mr. **Macdonald**. That is your answer?

Mr. **Engman**. That is right.

Mr. **Macdonald**. My second question is: Don't you think it would be a good idea to have one?

Mr. **Engman**. As a bureaucrat I should say, "Yes; I think it is a good idea to have one," but I am not sure whether it is a good idea.

Mr. **Macdonald**. What are you, a bureaucrat?

Mr. **Engman**. I am providing, Mr. Chairman, the best guidance I can to the Federal Trade Commission. Sometimes an overproliferation of committees can be counterproductive, as Congress, itelf, recognized in passing the Federal Advisory Committee Act. Sometimes there are so many committees you don't get action.

In view of the current liaison arrangement between the Federal Communications Commission and the Federal Trade Commission, I do not see any reason to impose another layer of review.

Nonetheless, I would be happy to examine the idea to see whether the creation of such a committee would be of assistance in resolving the problems we are facing in children's television advertising.

Mr. **Macdonald**. I would like to ask you this question: Where do you think jurisdiction over advertising in broadcasting should be? What is the more suitable place, FTC or FCC?

Mr. **Engman.** I think that the jurisdiction over the content of advertising with respect to broadcasting should remain in the Federal Trade Commission where the expertise with respect to dealing with deceptive or unfair advertising in other media already exists.

With respect to frequency of advertising during children's programing or with respect to prime time or the like, that is a matter, as is programing, which is within the Federal Communications Commission.

Mr. **Macdonald.** In other words, it still should be split between the two?

Mr. **Engman.** They are not split. They are two separate things, the unfairness and deceptive part is ours, and the frequency is theirs.

Mr. **Macdonald.** Which is a split in advertising.

Mr. **Engman.** To the extent that is a split in advertising, that is correct.

Mr. **Macdonald.** Which is what I said.

Mr. **Engman.** Yes, that is right.

Mr. **Macdonald.** Do you have any followup within the FTC to police your recommendations about advertising which affects children? In other words, you have given five examples of what has happened and so forth. Do you have some mechanical way, a way that operates by itself more or less, that is charged with the duty of monitoring whether these statements which were made by the broadcaster, or whoever makes them to you, is lived up to?

Mr. **Engman.** We have two means by which violations might be brought to our attention, Mr. Chairman. First of all, we receive complaints from the general public or from interested groups who call our attention to various problems which they think may exist in a given area.

Second, we have within the Bureau of Consumer Protection of the Commission a separate division which has, as part of its responsibility, monitoring of advertising overall. Now, that includes children as well as other advertising, and from time to time, and we don't announce it in advance since it would have a counterproductive effect in terms of the enforcement effect of it, we do or would involve ourselves in an investigation as to advertising in a certain area or in a certain product line, or some certain thing. Those of course are nonpublic investigations and to the extent there is a violation we take such action as would be appropriate.

With respect to this specific area, and I can't therefore talk about that area of it, but with respect to this specific area, I am not aware of any number of complaints which have come to us during the past year or the past 10 months since NAB has interested itself in these changes and guidelines with respect to these specific five areas.

Mr. **Macdonald.** So every time I get a complaint about the subject of advertising, I send it down to you people and it is treated so secretly I never hear back what you did about it.

Mr. **Engman.** Not secretly. I am sure, Mr. Chairman, you probably sent us some complaints from time to time——

Mr. **Macdonald.** I am sure I remember, and every Member of Congress does, because every Member continually gets letters about advertising on TV.

Mr. ENGMAN. If you did the staff would send you an answer after appropriate investigation.

Mr. MACDONALD. I know: "We received your letter. Thank you very much for the development. We will keep you posted." And nothing happens. And that is why I wondered why you said you were not a normal bureaucrat.

Mr. ENGMAN. I hope our record is a little bit better than that.

Mr. MACDONALD. I recognize the gentleman from Colorado.

Mr. WIRTH. Thank you, Mr. Chairman.

Mr. Engman, it has been rumored from time to time in the press that you might be a candidate for the U.S. Senate from Michigan, and I gather from your earlier comments that is only a rumor and there is no truth in that at all.

Mr. ENGMAN. Congressman Wirth, in making my comment to the chairman, I was alluding to those rumors. I state now, as I have in the past, that I have no present intention of doing anything other than remaining as Chairman of the Federal Trade Commission.

Mr. FREY. Will you yield?

I think running for office is a great idea. I don't know why you don't jump into it.

Mr. WIRTH. I would agree with your statement at the bottom of page 6 in which you speak of the fact you are particularly pleased, as I think we are, that the broadcasting industry is moving in self-regulation in several areas. The question, I think, before the committee is what other things ought to be done and how fast we can move, and what evidence we have for moves in various directions.

You cited in your testimony five different areas, in the early part of your testimony, that you thought were important, and three of those have been accepted by NAB so far. What about the other two? Should they be included, and what about the stations that are not covered by the NAB Code? Should the FTC be requiring that they all be covered by this; should you be doing that?

Mr. ENGMAN. Let me address the first part of that question. With respect to the premium issue, it is our conclusion at the time the proposed guide was issued that the industry was not going to take action in this area, and that if anyone was going to propose action it would have to be us. That was one of the bases on which we moved forward in that area.

The position of the NAB has been, and continues to be, they are opposed to a ban of premiums with respect to children's television advertising. The NAB does have a provision in their code at the present time which has a time limitation on the use of premiums in children's television advertising; that no more than one half the ad, or 20 seconds, whichever is shorter, be used to discuss the premium. The FTC proposed guide would go far beyond that and declare the use of a premium in children's advertising to be an unfair and deceptive practice.

With respect to the hero figures, NAB does have some guidelines at the present time relating to the prohibition against heroes in a particular program advertising a product for children, either on the program or in an immediately adjacent time slot to the program. There are also other guidelines which respect to testimonials by these same kinds of personalities.

It has been the feeling on the part of some consumer groups that this does not go far enough, that there should be other things done in this area. Our staff has spent some effort in assessing what we could do, what kind of guideline or rule, if we were going to propose a formal rulemaking proceeding or whatever, what kind of proposal could we come up with which we had evidence to support the need for in this area, and this is a broad one, which includes cartoon figures and sports figures, or astronauts or whatever else.

Our staff's conclusion, as indicated in my testimony, is that we do not have enough hard evidence at the present time to support a formal rule. We are basically an enforcement agency and in the end must have the evidence to support a rule in court.

Therefore the staff is going to be recommending that we attempt to get studies of the areas as we did with the National Science Foundation study.

Mr. Wirth. I would like to come back to that, if I might. What about the stations not covered by the code? Should there be some regulatory action taken so that what is accepted by the code also becomes accepted by other stations?

Mr. Engman. I think there may be, Congressman, a need to take regulatory action with respect to the non-NAB Code statement.

I think we have to have some evidence as to the extent of the problem. If it is true that some 80 percent to 85 percent of the viewers are, in effect, covered, then we are looking at the remaining viewers who are not covered. I am not saying we should not expand this regulation, because, as I have already said, I think the NAB regulations are good ones. If the FTC were to proceed we would have to determine to what extent do we have violations on the non-NAB stations. We would have to ask whether it is really worth getting into a year-long rulemaking proceeding under the Magnuson-Moss Act, with extensive witnesses and crop-examination on the issues of disputed fact in view of other pressing demands on the staff's time.

I think in principle the concept of the NAB action with respect to the areas I mentioned in my testimony is a good one and I would hope that it could be adopted in effect across the country.

Mr. Wirth. Doesn't that set of questions also get faced by FCC?

Mr. Engman. FCC, I imagine has to face the same kinds of questions.

Mr. Wirth. Doesn't this go back to what the chairman talked about in terms of getting the two agencies together until you can figure out which areas are more important than others so the kind of confusion that had been registered in the last few days about overlapping jurisdiction might be cut through?

Mr. Engman. The confusion does not exist among the two agencies who have the responsibility for doing this.

Mr. Wirth. It would be useful to know what priorities may be important.

Mr. Engman. If you are talking about banning advertising of vitamins, I think that is our problem and not theirs.

Mr. Wirth. Well, can't they then move to say in certain times this sort of thing can't be advertised? Don't they have that jurisdiction?

Mr. Engman. They have the jurisdiction of controlling time slots.

Mr. **Wirth.** Time slots. So I am sure there is overlapping jurisdiction there, and I would think some kind of coordination which might be appropriate. At the bottom of page 3 you mentioned, "We would like to see an increase in magnitude of this movement." What other spurs are necessary? What is the increase? What are the other things that ought to be done?

Mr. **Engman.** I think, quite frankly, Congressman, that hearings such as this are helpful, not only in terms of the assistance they may give this committee with respect to legislative initiatives, but in terms of focusing the attention of the industry on these problems.

We have to continue talking about the problem and we have to continue studying and taking action at the FTC. I think that we also have to focus on the differing levels of cooperation or achievement which have been reached by groups within the affected industries.

With respect to the question of content of advertising directed at children that the NAB has made more strides than any of the other groups. Perhaps it is through this kind of session that we can promote greater self-regulation.

Mr. **Wirth.** On that issue, do you have the power to ban products from being advertised to children?

Mr. **Engman.** The question would be, in a given instance, whether the advertising of a certain product was an unfair practice under Section 5 of the Federal Trade Commission Act. The Commission has never taken the step.

In terms of preserving the jurisdiction of the Commission I would not concede that we do not have that authority.

Mr. **Wirth.** You feel you would have that kind of authority?

Mr. **Engman.** I would argue that would be encompassed within the purview of Section 5 of the Federal Trade Commission Act.

Mr. **Wirth.** In the area of unfairness you can do it?

Mr. **Frey.** Will you yield? The word "dangerous" is included.

Mr. **Wirth.** That was my next question.

Mr. **Frey.** Excuse me.

Mr. **Engman.** Deceptive or unfair.

Mr. **Wirth.** Deceptive or unfair and dangerous or hazardous would not be included in that?

Mr. **Engman.** I think one could make an argument if a particular product were totally dangerous and were advertised on a children's program at 9 o'clock Saturday morning, that could be deemed unfair under Section 5.

Mr. **Wirth.** Do you need that kind of authority at FTC?

Mr. **Engman.** I should never say that I wouldn't accept any additional authority, but at the present time I am not aware that there has been a question raised with respect to coverage of such a problem under existing statutory authority.

Mr. **Wirth.** What about potentially medically harmful things being sold to kids such as candy bars and pops with vast amounts of sucrose, and sugar-laced cereals that we may find out are medically damaging to children? Do you have authority to move on that kind of issue?

Mr. **Engman.** Congressman, we have authority to move on that kind of issue. Specifically with respect to sugar the Commission has considered that issue in a broader rulemaking proceeding that we have underway on the advertising of nutrition in food products.

In publishing the proposed rule, a majority of the Commission made the judgment that the Commission should first seek the expertise of the Food and Drug Administration on the issue of the medical effect on children from eating sugar.

Mr. WIRTH. When was that?

Mr. ENGMAN. That was made a number of months ago.

Mr. WIRTH. What steps have been taken since then?

Mr. ENGMAN. Since the rule has been proposed, the Food and Drug Administration is presumably in the process of addressing this issue through a panel which has been created.

Mr. WIRTH. When was that panel created by the Food and Drug Administration?

Mr. ENGMAN. Within the past year.

Mr. WIRTH. Are you monitoring it or do you assume that they are carrying it on?

Mr. ENGMAN. They are carrying it on. There have been no results yet. We have a liaison arrangement with the Food and Drug Administration.

Mr. WIRTH. Could you tell me—you mentioned the National Science Foundation study—when is that going to be done, and who is doing it. Do you know?

Mr. ENGMAN. I believe it is being handled by research in the Boston area. Scott Ward, I am advised, at Harvard, is primarily responsible, and the time frame for it is 1 year.

Mr. WIRTH. When did it start? Do you know?

Mr. ENGMAN. That began, I believe, early this year. The request which I filed with the National Science Foundation was made in December 1975, and the money was made available early in this year and presumably the study should be finished within the next year.

Mr. WIRTH. Have you had involvement in the development of his study?

Mr. ENGMAN. I have not, but the staff of the Commission has been involved in that.

Mr. WIRTH. Could you send us any materials you have on that?

Mr. ENGMAN. I will be happy to. The question also deals with a broad question of what the perception of children is toward advertising.

Mr. WIRTH. Finally, Mr. Engman, you ask a lot of interesting questions on page 5 and 6, about various things we don't know anything about—what do you do when you get answers to some of these questions?

Mr. ENGMAN. I think some of these questions need further research.

Mr. WIRTH. How long have you been aware of that?

Mr. ENGMAN. We have been digesting this problem in bite-sized chunks. At the time I made my speech last June to the American Advertising Federation, the principal concern of the consumer groups in this area was advertising appearing on programs in which the majority of the audience are children.

Not until the petition filed by the Council on Media Advertising in March of this year have the parameters of this problem changed.

We are now talking about a broader focus which in turn begins to raise more complicated issues. We are no longer talking about children's programs on Saturday or Sunday morning. Now we are talking about a program where a majority of viewers are adults. If we begin to draw lines infringing on an adult's right to receive a certain kind of program that is FCC's problem. It is the FTC's problem to draw lines with respect to certain kinds of ads. I think it is a legitimate area of inquiry. In fact, I was shocked to hear some time ago that there are substantial numbers of children, over a million, under the age of 12 who watch television after midnight.

I frankly don't have an easy answer to this problem, but I think it is a legitimate question and one we ought to look at.

Mr. **Wirth.** I agree with you there are no easy answers to all of those questions, and it raises a lot of issues which we have been hearing about for the last few days.

Do you have a group in FTC now who are looking at this, or are you just sort of think there are nice questions? Do you know what is being done about these questions?

Mr. **Engman.** We do not have child behavioral expertise in-house at the Federal Trade Commission.

As I indicated earlier, there will be proposals coming to the Commission from the staff that we should encourage or fund to the extent our appropriational allowance permits some additional research in these areas.

Mr. **Wirth.** When will those recommendations be made to the Commission by the staff?

Mr. **Engman.** Presumably within the next few weeks. There are also some recommendations which will be forthcoming from the staff on the question of safety in advertising both with respect to children and across-the-board. I assume these recommendations would concern advertising of products with hazardous or safety implications.

Mr. **Wirth.** Would it be possible for the staff to get copies of those recomendations? I would be interested in seeing what kind of analysis is going on there.

Mr. **Engman.** Congressman, you are welcome to have anything that exists.

Mr. **Wirth.** You are so kind. I would really like to see that. That would be very nice.

Let me finally ask you one thing. Since 1969 the Federal Trade Commission has had food and nutrition advertising under consideration, particularly with relationship to child provisions for food and nutrition. What have you been doing about that?

Mr. **Engman.** We issued a proposed rule. It was a little over a year ago, and that rule is now being reissued as required by the Moss-Magnuson FTC Improvement Act which mandated certain changes in rulemaking proceedings.

That rule is a very complex one and has engendered a great deal of comment. From my vantage point as a potential arbiter or judge of it I don't want to comment specifically other than to say it is in process.

Mr. **Wirth.** 1969 to 1975.

Mr. **Engman.** I have only been chairman since the beginning of 1973, and it has been during the past year and a half or so that the rule has been published for comment.

Mr. **Wirth.** I wish I had the luxury of only being tagged by everything that happened in Congress since January, and not previous to now.

Mr. **Macdonald.** You might be happy to be tagged with some of the things that happened before that time. Mr. Wirth.

Mr. **Frey.** Especially as compared to now.

Mr. **Engman.** Well, I do the same thing. I take credit for that which happened before my time if I like it, and try to brush the rest of it under the rug.

In this instance there were disagreements at several levels as to some of the specific provisions. What we determined to do, rather than try to keep disagreements under wraps, was to throw everything out on the table for public comment. We are not sure of what the right answer is.

In the nutritional area the problem is how do you effectively communicate this information to the public?

Is it effective communication, for example, to have running across the television screen that some product contains 22 percent of your required daily need for riboflavin and 25 percent of vitamin A, and so forth? Is that effective communication or is there some better way to get that message across to the people who need it?

Those were some of the issues in which there was disagreement within the Commission. That is all now on the public record.

Mr. **Frey.** I think from the summary of your published testimony that you think there are an awful lot of unanswered questions as to what we ought to embark on, as a major pushover the next year or year and a half, or shorter if it is possible, to get answers to those questions, of which you have well stated in your testimony.

Mr. **Engman.** I couldn't agree more.

Mr. **Frey.** And is there resistance around to doing that, to getting answers to these sorts of questions?

I don't understand why it was not done. I know you have not been here a long time.

Mr. **Engman.** I don't know why it was not done, either. There are difficult questions here. How do you know the effect on a child at the age of 6 or 4? I know I have difficulty with them.

Mr. **Frey.** Because the questions are difficult, it does not mean somebody should not be asking them.

Mr. **Engman.** That does not mean they should not be asked, these questions should be asked and we should try to get answers.

Mr. **Frey.** I think I remember some of the questions I have. I am delighted we have opened up government and I am delighted to be able to get things, and certainly glad the Democratic Caucus will join us in that.

Mr. **Engman.** I hope you include me out.

Mr. **Frey.** We have enjoyed your work and the privilege of working with you in this area.

I note from your testimony, I think from all of it, a certain amount of frustration that I think we all feel has been ably expressed here. Personally, of course, I believe, or at least I hope we have enough legislation. Yet I find that things have not been moving as quickly as I would like to see them go in certain areas, and self regulation is hard. I would like to ask you a couple of questions about this.

How do you view a child in terms of advertising? We have had the advertisers say basically that they are advertising to the child and its parents. Yesterday there were indications from, I believe, the networks, that basically they were sort of in the position the child was obviously not a consumer. I asked if children were lobbyists and they said not really. How do you view it? How does a child fit in at all in terms of advertising? How should they fit in?

Mr. **Engman.** Let me say at a personal level, Congressman, how I view a child depends on whether they happen to be fighting with each other when I arrive home.

Mr. **Frey.** I have five and I know what you mean.

Mr. **Engman.** But more seriously, I think that we have a very special responsibility. In fact the whole tradition of law in this country, as well as the whole common law, presumes there is a special standard which ought to be applicable with respect to children. We accept this in many areas. We have special court systems, juvenile court systems to deal with children. They are not deemed able to carry out certain legal acts prior to reaching certain ages. I think the same kind of special consideration has to apply with respect to how we deal with them in advertising.

Now, it is relatively easier for me to make statements with respect to advertising which is directed solely at children. This is advertising which appears primarily on weekends or on specific children's programs.

Mr. **Frey.** You are making a value judgment. No, that there should be advertising allowed directed solely to children. That is where you start.

Mr. **Engman.** I have not yet seen the evidence which convinces me, Congressman, that we ought to ban all advertising directed at children. I think that advertising can be both helpful and harmful in our general economy. It is helpful to the extent it helps promote competition and makes our market system work better. It is harmful or may be harmful to the extent it increases brand recognition or increases problems of concentration.

Mr. **Frey.** Would you take vitamins for example? I don't know about you, but I have a hard time getting my kids to take vitamins. But if they are in a certain design, once in a while it is easier. Obviously, you don't want them to take the whole bottle, but you would like them to take one. I guess you have that basic problem, too, don't you?

Mr. **Engman.** That is true, but I find it difficult to disagree with the NAB Code position, that with respect to advertising that is directed to children under the age of 12, you ought to have a ban.

Mr. **Frey.** How do you differentiate?

Mr. **Engman.** I think the code position is a valid one. You can argue technically about each of these areas.

Mr. **Frey.** One other thing I wondered about is that it looks to me that possibly what we really need, as I think the chairman suggested and Mr. Wirth also picked up, possibly we need more interaction of agencies, including the FDA. For instance, part of the problem may be solved by quality of an ad itself in terms of how it portrays the particular product and, furthermore, the product itself that is being portrayed. It may be predominantly shown in children's time that this product, say, has a certain kind of cap, or whatever it might be, as part of the safety part of the product. Maybe the three agencies on a more formal basis could look into it.

I've got the feeling we have enough laws and enough ability to get the things done. Maybe if the code is strengthened this would aid in solving the problem. Would you think there is merit in that kind of approach?

Mr. **Engman**. I think there is always merit in trying to coordinate an approach on anything. As I indicated in the safety area the staff should have some recommendations forthcoming with respect to proposed standards relating to safety in advertising.

Before the Commission makes a determination, we ought to take a look at how our action fits in with what may be going on, not only at FDA, but also at the Product Safety Commission, which has responsibility in this area. To the extent the question has a potential effect on television advertising, obviously the FCC should be consulted as well. I think that general approach is a valid one and it probably is done all too infrequently in Washington.

Mr. **Frey**. I suppose it can be requested also, that the code itself be amended. We have another problem. Some interesting testimony yesterday showed the top 20 television programs that children watch, and only 2 were so-called Saturday morning programs; the rest were allegedly adult programs.

Mr. **Engman**. I have seen that kind of evidence. That is right.

Mr. **Frey**. It does make a great deal of difference, I guess. One other area I would like to emphasize again. We really don't know enough, I am afraid, in some of these matters to make sound judgments. It is probably the fault of all of us, not just one person, but we have not spent enough time in trying to see what causal relationships there are in advertising, insofar as what children do or don't do. I think this applies not only to this area but probably the area of violence and obscenity.

There just has not been enough emphasis put on research, and it does not appear to me even the study underway is going to do a great deal. I've read some of the studies produced before and they are really, you know, pretty "marshmallowy." They don't say much and don't present a great dea of evidence, from what I can see. Is there any push you are making in your agency that is coming out of the administration to really try to get in-depth studies underway so we know more about what we are doing?

Mr. **Engman**. I can't speak for what the administration is doing or what may be going on at HEW. As I indicated, the Commission is interested in this area. We have attempted to encourage the National Science Foundation with respect to one study and probably will have other proposals coming up. It is a complicated area. Nobody presumably has an interest in selling Drano on Saturday morning cartoon programs. But if you mandate somebody to say "Don't eat Drano," in an audio portion of an ad, let's say during prime time—that is, assuming you are going to permit Drano to be advertised on prime time—it may have an inverse reaction.

In some households it might have the effect of sending the 5-year-old upstairs to find that Drano can. "If you can't eat it, it must be good." With respect to this whole area of sugar, which Congressman Wirth mentioned and which I think is a difficult and serious problem we have to address, if you are honest and truthful about the sugar content of a food and divulge that information, it is probably counterproductive.

Mr. FREY. That is understandable. I think it could be counterproductive.

Mr. ENGMAN. What the interests of the 3- or 5-year-old would be, therefore, that is important. I am not saying we should not be addressing these issues. I think we have to, but the answers are not easy.

Mr. FREY. Has any industry approached you or any of the associations regarding involvement? I remember when I testified in 1971 or 1972 in front of the FTC on this. It was suggested at the time that possibly the industries themselves should look into it and come up with solutions, or studies, at least insofar as advertising effects on children.

Mr. ENGMAN. I tried to encourage that across the board. I have not personally seen a lot of results along those lines as yet, although there are a number of studies which I understand are being conducted. I know there is a great effort underway now since we proposed our nutrition rule to conduct studies with respect to some issues, including the sugar issue, but obviously more can be done.

Mr. FREY. I would like to yield back the balance of my time and just say I am delighted today a couple of people I am proud of are up visiting for lunch, my parents. They come about once every 6 years, and I am delighted to see them.

Mr. MACDONALD. We are delighted to see them, too. We don't have to tell them of the one great son they have. They have one they can be proud of, and I say that from a number of years of association, and we are very delighted to have you, Mr. and Mrs. Frey. I understand you also have good judgment to be touring New England. I might remind you to bring blankets.

You and I had our discussion on politics, and I could barely believe that you got that job without knowing what the job was; although it won't be, I guess, the first time it ever happened in Washington. The bells went off in my head because it seems to me you used to work for Ehrlichman at the White House, did you not?

Mr. ENGMAN. That is correct, Mr. Chairman.

Mr. MACDONALD. I would think he would have had pretty much political clout at one time.

Mr. ENGMAN. The statement I made, Mr. Chairman, and the statement which I have made publicly before is that I never applied for or sought to the job of Chairman of the Federal Trade Commission. The first I even thought about the possibility of becoming Chairman of the Federal Trade Commission was when it was offered to me.

Mr. MACDONALD. Who sought you out?

Mr. ENGMAN. I have no idea how my name came up.

Mr. MACDONALD. Who gave you the good news?

Mr. ENGMAN. The news initially came from Mr. Ehrlichman and subsequently from President Nixon.

Mr. MACDONALD. That was a pretty good one-two punch at that time.

Mr. ENGMAN. Well, there were clouds on the horizon even back then.

Mr. MACDONALD. I also understood that you were Assistant Director for the Domestic Council down there, of which the President was theoretically Chairman, but Mr. Ehrlichman really chaired, and in that capacity you would have certainly been familiar with all of the regulatory agencies.

Mr. Engman. I didn't say, and if I did I didn't intend to say, Mr. Chairman, I didn't know about the Federal Trade Commission, or about what it did. What I intended to say, and what I do say, is that I did not seek the job.

Mr. Macdonald. The job sought the man?

Mr. Engman. I don't know what happened, but I didn't seek it.

Mr. Macdonald. Well, that is neither here nor there, but I still was a little surprised, actually it is a coincidence that you live in Grand Rapids, I know that.

Mr. Engman. I was from Grand Rapids before it was popular to be from Grand Rapids.

Mr. Macdonald. You couldn't have planned that one. So I guess you are not worrying about your next political position, since the position of that gentleman from Michigan which I have heard about ought to remain fairly stable down there for 2 years anyway.

Mr. Wirth. Will you yield?

Mr. Macdonald. Yes.

Mr. Wirth. I think we have had lots of testaments for Drano and now we are getting into testaments for "Engman for Senate," and I am not sure that is appropriate.

Mr. Macdonald. I am not sure it is a testament coming from me, but maybe so. If you want equal time?

Mr. Wirth. No.

Mr. Macdonald. You are more than entitled to it and I will be happy to give it to you.

Mr. Wirth. We have been friends.

Mr. Macdonald. Mr. Engman, one thing that surprised me in one of your speeches was that you felt that there should be less self-regulation, I mean more self-regulation in all of the industries, and from a regulator I can understand there are areas that are now "a la mode," as I can see the FCC being a little "a la mode," but in the case of others, I am not sure that the laws that are on the books are enforced closely enough.

I am not just now talking about your regulatory agency, or the one you are Chairman of, but any number of them.

Mr. Engman. I have said in the past that I believed there ought to be more self-regulation across the board—I think in some areas it may be particularly appropriate.

I have said that some of the regulations which we now have on the books ought to be reexamined, and I particularly referred to some instances in the transportation area where I think it is time that we at least know what the cost of this regulation is and what hidden subsidies we may be providing to some industries which are theoretically being "regulated." This analysis is necessary for the Congress to make an assessment as to whether the American public is really benefiting to the extent it ought to be benefiting, from some of this regulation.

I don't apply that across the board to anything. I am very leery about applying anything to anything across the board; but I do think it is a good first principle to try to establish what the costs of some of these regulations may be. They may have made sense in 1888 when they were put in place but we need to know whether they still make sense in 1975.

Mr. Macdonald. You very well could be a member of this subcommittee and the full committee—because this subcommittee has no jurisdiction over transportation—but certainly you have no quarrel with that. But my point is that you were very impressed by the steps taken by the industry on a self-regulated basis. My point, which is true of the other regulatory agencies that have come under our jurisdiction, is that they need a good deal of either regulation or threat of tougher regulation than they are going to impose on themselves, to get them to straighten up and fly right.

While I quite agree that the Government should not have its nose, or its hands, or whatever figure of speech you might want to use, into every aspect of American business, many times the very threat of regulation by the Government will get them to do what they ought to be doing in the first place and then you don't get 100 percent, but if you are lucky you get maybe 75 percent.

Mr. ENGMAN. Let me say, Mr. Chairman, I basically agree with you. I want to address this at two levels and I know our time is short.

When I was talking about examining the costs of regulations, I was talking about it in the broad context, across the whole economy—but it is also important to have more vigorous antitrust enforcement.

That is another one of the FTC's responsibilities. I think it is critical in terms of the enforcement responsibilities of the Federal Government that we maintain this economy of ours working as competitively as possible. If that means in some instances having more Government involvement, then from that point of view, at least, I agree with it.

Now, to move away from that broad aspect, from looking at the economy as a whole, and look back to this situation, the content of advertising directed at children on television. I have been very careful in my statement this morning to say that not everything that should be done has been done. However, at the same time we should recognize that something has been done and which aspects of the industry have done it. This serves to warn other aspects of the industry which may not have taken their action and to encourage those industry groups which do take action. I have also attempted to set forth some goals for the future.

In no event do I think we can abdicate the responsibility which the Federal Trade Commission has for enforcing, for example, section 5 of the FTC Act. When there is a violation we should proceed against it to the full force of our law enforcement ability.

Mr. WIRTH. Mr. Chairman.

Mr. MACDONALD. I yield.

Mr. WIRTH. On that subject, just to summarize where we have come, you say there are a lot of long-term issues we don't know very much about but there are a number of short-term things we probably do know about, and you've cited a number of them in your testimony. You are an advocate of more self-regulation and I would tend to agree with that, but why wouldn't it be possible, then, while waiting for this aggressive long-term research we have described for the year or year-and-a-half, to take networks and advertising people and FCC people and FTC people and consumer people and lock them up in a room and see if we can get 75 or 90 or maybe 100 percent of what we already know could be done in terms of the code, in terms of enforcement, and focusing on the change in hours which the code has enforced for children's advertising and so on, would that get you together with the FCC, which a number of us are interested in having happen, and also get your input into the networks and advertising people.

Mr. ENGMAN. Congressman, you have put your finger on exactly what I thought was the best way to attack it when I first began to get a handle on this whole problem. Let us exclude for a moment the FCC, and the problems of the interrelationship—which I don't think are as bad as they may be painted.

The substance of the FTC responsibility is the content of advertising; we have a responsibility to examine the content and remove unfair and deceptive advertising directed at children. My first thought when I launched this effort in August 1973 was to convene a group of people from the consumer side, from the industry side, and from our staff—with, I believe, an observer from FCC as well—to see what we could do in terms of talking out some of the problems.

A lot of discussion went on and very little action occurred. It became apparent to me in the spring of 1974, that we needed more than discussions.

I began to think. Is there an alternative way to get at this? We can talk about it, but how do we actually begin to get something accomplished?

It was at that time when I was talking to Mr. Wasilewski and other broadcasters that I decided to deliver a hardnosed kind of speech in June 1974 before the American Advertising Federation. This speech and the concurrent work with the NAB people has led to what I think has been some significant progress during this past year.

You will note I have particularly commended the National Association of Broadcasters for making some movement.

Mr. MACDONALD. One question I have about that, why did it take you that long to find out that the things that go on over the networks are OK'd and in the main part manufactured by the network, and the advertisers either pay for it, pick it up, or someone else does?

Mr. ENGMAN. I think you are going to be talking a little bit later to a representative of the toy industry. I talked to representatives of this industry about specific aspects of this problem on the premium proposal I still have to make a final judgment and I don't want to get into a problem of prejudgment. At the beginning there was a lot of agreement that "Yes; we ought to do something." It didn't become clear to me until later that we were not going to get any meaningful steps at least in the short run there.

Mr. WIRTH. Is it incumbent upon us, do you think, to write to you and ask for a list of those things you think can be done tomorrow and do the same thing with the FCC in terms of time frames, the things we know about, and the evidence is there, and you have been through this on many many occasions to get that agenda from you and the agenda from the FCC and then to have us convene you and the broadcasters and advertisers and see if we can get it together and get it to happen in the spirit of self-regulation. So we don't have to pass a law, we don't have to have more regulation, or get them to do it themselves. Is that our responsibility?

Mr. ENGMAN. I would not disagree with all of that happening. I think that the fact is it is important to resolve these questions as expeditiously as possible. This committee does have an interest in it which I think is to the good.

Mr. MACDONALD. We have had an interest, if you pardon my saying so, and have indicated that interest on many occasions. If you are having trouble with the advertisers, it should not come as any great surprise because we have had trouble with them for a long time and as a matter of fact, they flatly refused to show up at these hearings.

So I don't see us convening the advertisers. We can't convene people who won't even come to an official hearing. What I would suggest, if you are in the mood for suggestions, concerns what you originally said to me that you thought that the liaison committee between the FCC and FTC was merely a fragmentation and waste of time. I think that such a committee would be a very good idea. I thought it was working. I was very pleased to see it happen.

I was very disappointed, as I will tell Mr. Wiley tomorrow, that the thing dropped by the wayside. I don't think your main problem is with the advertisers, because you do have plenty of control over advertising. You can threaten to take their advertising off of the media, can't you?

Mr. Engman. We have strong enforcements authority with respect to deceptive and unfair advertising.

Mr. Macdonald. Right. Since no one knows what unfair advertising is, or it has not been defined by yourself, and I don't know what you mean when you say "unfair," I would think that you have a big club and I would think wielding that club on that group would be a great help. I have no handle on the advertisments.

The committee, or this committee passed out a cigarette bill, for better or for worse, but it did pass out of our committee, and I must say the advertisers were not exactly what you call cooperative, because they thought that it would lose revenue for them and the bottom line with the advertisers is money.

If you have the club you don't need anybody to convene them. You convene them and you say "Straighten up and fly right or else we will take this off," which leads me to the question I had before I yielded sometime ago to Mr. Wirth. Do you know now of any program, since this hearing is aimed mainly at children, any advertising that is on the media that should not be on the media, any products that are being advertised that should perhaps not be advertised?

Mr. Engman. I am not specifically aware of advertising of such products nor have they been called to our attention. Our initial concern was advertising directed at children during solely children's programs.

There has subsequently been raised the whole question "What do you do with a mixed audience where there is a lot of children watching even though there is a majority of adults?" In that situation, I think, the kinds of questions which are raised this morning have to be answered—such as what is appropriate in advertising directed to audiences a majority of which are adults?

Mr. Macdonald. You are in a fortunate position of raising questions you have the ability to answer if you get the other four guys to work with you. I don't know of the international problems you might have.

Mr. Engman. I do not have the ability in terms of the behavioral background. What we need in order to answer some of these questions is research.

Mr. Macdonald. Why don't you hire some consultants? This leads me to a point I almost forgot. Some of the material that Mr. Wirth wants, and very properly so, is so expensive to put in the record and will be so voluminous, and how much does this cost a page now? Five dollars a page or something. We already asked the National Science

Foundation for a copy of the study that they are working on when it is completed so at least we don't need that at all and therefore, that will not be admitted at this time.

Did you want sort of a running commentary from them?

Mr. **WIRTH.** I don't think it is necessary to put all of this material on the record. I would like to have a sense of what kinds of things are going on and what kinds of questions are asked. Are they puff-ball questions or do they have some kind of analytical background to them?

There is an awful lot of puff in these discussions and there has been for a long time.

Mr. **MACDONALD.** Which discussions—that we are having or they have been having?

Mr. **WIRTH.** Discussions of children's advertising, you know, this has been going on for 10 years and we see a little progress in the area of NAB self-regulation and we are beginning to get some movement, but it is taking a long, long time.

Mr. **MACDONALD.** I haven't seen the movement. I have heard, as I have heard a million times, promises, not from you, this is nothing personal, nothing to do with the White House or Mr. Nixon or Mr. Ehrlichman or anybody like that. You say you are going to get moving, you are going to get moving, you are going to get moving, but I have not seen you move much. That is why I said that you started off raising high hopes in my mind.

Now we have a guy down there that is really going to grab some of this stuff and run. I haven't seen the run, maybe you are just faking through the line. I don't know, and getting a game plan or making up the signals or something. I have not seen the run you are going to make yet.

Mr. **ENGMAN.** I threatened my staff this morning that I was going to tell my football story this morning but I won't do it, because it is too long.

Mr. **MACDONALD.** Not so long as the other resident of Grand Rapids wouldn't like.

Mr. **ENGMAN.** It is not that long. I think if you look at where we were on this problem in June or August of 1973 and where we are today, we are a lot further ahead of the game. That is where I would rest my case for the time being.

Mr. **MACDONALD.** Well, once again, I have to say this is not an adversary proceeding and your case is a discussion with us to give us some knowledge to come out with a bill, hopefully that can meet not all of the problems, but some of them.

Mr. **ENGMAN.** We concur in that objective.

Mr. **MACDONALD.** We will take much of what you said as expertise. Can you think of anything besides just confrontation with the advertisers, any constraints that you might be able to put on them to get them cracking on self-regulation?

Mr. **ENGMAN.** Well, I don't want to be read as having criticized all advertisers across the board. I would want to carve out a couple of exceptions.

We presently have pending at the Commission a number of cases involving advertisers. The Commission will ultimately have to make judgment as to whether particular ads are deceptive or unfair.

I would be disqualified from making that judgment if I now comment on those specifically.

Second, there was some cooperation and there was some interest from specific segments of these industries with respect to advertising. I am not saying I agree totally with the position of your next witness from the toy industry, but at least there has been some concern expressed by toy manufacturers with respect to some of these issues including the premium issue. By no means do I want to be read as saying that the advertisers as a whole have not done what they ought to do.

I merely wanted to point to the fact that there appears to be more progress coming from the broadcasters at the present time than from the advertising industry as a whole. That does not mean that I want to blanketly condemn the advertisers.

Mr. **Macdonald.** My counsel pointed out to me the *Pillsbury* case that the FTC Chairman discussed and was then disqualified. With that in mind, I won't ask about the cases but I was wondering about the case load you had before you could get moving? Is there a big case load that you said you had to ultimately decide or one case or two cases?

Mr. **Engman.** We have a large number of cases in various bases of preparation and a large number of investigations are underway at any one time.

Mr. **Macdonald.** Any number in mind?

Mr. **Engman.** In terms of everything going on?

Mr. **Macdonald.** Not of everything going on, but of things you say have hit the ultimate?

Mr. **Engman.** I don't know the present number of cases pending at various levels of the FTC, but in terms of cases in investigation I imagine it is 800 or 900.

Mr. **Frey.** Will you yield.

I wonder, for the record, if we can get the number of cases involving advertising during the last 2 or 3 years, and what final action has been coming about?

Mr. **Engman.** Certainly.

[The following material was received for the record:]

ADVERTISING CASES BEFORE THE FTC AND ACTION TAKEN

Case and number	Action	Date
STP Corp	Analysis of proposed consent order fwd	Aug. 5, 1975
Block Drug Co. (752-3032)	Complaint	July 29, 1975
Ford Motor Co. (D. 9001)	do	July 15, 1975
Chrysler Corp. (D. 8995)	do	Do.
Savoy Drug & Chemical (752-3016)	Awaiting public comment (consent accepted).	May 15, 1975
Dark Eyes Co., Inc. (C. 2650)	Consent order	Mar. 17, 1975
Tax Corp. of America (C. 2649)	do	Mar. 6, 1975
W. M. Barr & Co. (C. 2633)	do	Feb. 10, 1975
Sonotone Corp. (D. 9009)	Complaint	Jan. 29, 1975
Qualitone (D. 9010)	do	Jan. 29, 1975
Maico Hearing Instruments (D. 9011)	do	Do.
Radioear Corp. (D. 9012)	do	Do.
Dahlberg (D. 9013)	do	Do.
Beltone Electronic Corp. (D. 9014)	do	Do.
Fedders Corp. (D. 8932)	Final order	Jan. 14, 1975
General Motors Corp. (D. 8907)	Decision and order	Jan. 10, 1975
Post Division of General Food Corp. (C. 2606)	Consent order	Dec. 3, 1974
Distributors and App. of Plastic Materials (C. 2596)	do	Nov. 4, 1974
General Motors Corp. (C. 2564)	do	Oct. 7, 1974
K. Mart Enterprises, Inc. (C. 2553)	do	Oct. 1, 1974
American Dairy Association (C. 2459)	do	Sept. 25, 1974
Carnation (C. 2522)	do	July 12, 1974
Thomas J. Lipton, Inc. (C. 2408)	do	May 29, 1973
Ex-Cell-O Corp. (C. 2339)	do	Jan. 9, 1973
Stevens Bedding Warehouse (732-3250 (P/R))	do	July 28, 1975
Carpet Showcase (742-3263 (P/R))	do	July 2, 1975

ADVERTISING CASES BEFORE THE FTC AND ACTION TAKEN—Continued

Case and number	Action	Date
Central Carpets, Inc. (D 8980)	Complaint	June 12, 1975
House of Schiller (752-3117 (P/R))	do	May 22, 1975
Fashion Floors, Inc. (D 8982)	do	May 1, 1975
Le Conte Cosmetics (D 9031)	do	Apr. 29, 1975
Maryland Carpet Outlet, Inc. (D 8943)	do	Apr. 22, 1975
Nu-Hair Replacement Center (D 9020)	do	Mar. 12, 1975
Freight Liquidators, et al. (D 8937)	do	Feb. 25, 1975
Sir Carpet, Inc. (D 8981)	do	Feb. 6, 1975
Theodore Stephen Co. (D 8944)	do	Jan. 28, 1975
Shaklee Corp. (C 2613)	Consent order	Dec. 5, 1974
Sew-Rite (D 8999)	Complaint	Dec. 4, 1974
Kustom Enterprises (C 2662)	Consent order	Nov. 15, 1974
Soundtrack Records (D 8998)	Complaint	Nov. 5, 1974
Simeon Management Co. (D 8996)	do	Oct. 15, 1974
Tri-State Carpets, Inc. (D 8945)	do	Do.
Rhode Island Carpets (D 8946)	do	Oct. 1, 1974
Wilbanks Carpet Specialists, Inc. (D 8933)	do	Sept. 24, 1974
Gloria Stevens, Inc. (C 2544)	Consent order	Sept. 12, 1974
Recreation Vehicle Institute (C 2573)	do	July 23, 1974
Trailer Coach Association (C 2572)	do	Do.
Northwest Marine Trade Association, et al. (C 2571)	do	Do.
Camp Chevrolet, Inc. (C 2562)	do	Do.
Frank Hawkins Buick-Opel International Co., Inc. (C 2561)	do	Do.
Lustine Chevrolet (D 8974)	Complaint	July 1, 1974
Ted Britt Ford Sales (C 2550)	Consent order	June 25, 1974
Logan Ford Co. (C 2551)	do	Do.
Rosenthal Chevrolet (D 8975)	Complaint	Do.
Peacock Buick (D 8976)	do	Do.
Robertson Investment Co. (D 8936)	do	May 14, 1974
Furniture Showroom of Clarksville (C 2506)	Consent order	Jan. 29, 1974
Tri-State Aluminum, Inc. (C 2494)	do	Do.
Charles Reynolds Hair Center (C-2504)	do	Do.
Talent, Inc. (C 2512)	do	Do.
Design International Corp. (C–2495)	do	Do.
Carpet-Bazaar, Inc. (C-2498)	Consent order	Jan. 29, 1974
Meta-Nu, Inc. (C-2503)	do	Do.
Electronic Centers (C-2502)	do	Do.
Hutchinson Meats (C-2496)	do	Do.
Peel-O-Matique, Inc. (C-2505)	do	Do.
Metro Passbook, Inc. (C-2509)	do	Do.
Atlantic Construction & Supply Co. (C-2499)	do	Do.
S-H-S Motor Sales Corp. (C-2593)	do	Do.
Turkey Mountain Estates Inc. (C-2570)	do	Do.
Camera Hut (C-2537)	do	Do.
Cambridge Camera (D-8971)	Complaint	Do.
Meyers Outfitters, Inc. (C-2540)	Consent order	Do.
Santa Clara Sewing Center (C-2543)	do	Do.
Nevada Meats, Inc. (C-2547)	do	Do.
Bi-Rite Inc. (C-2501)	do	Do.
Dance World, Inc. (C-2497)	do	Do.
M. & W. Electronics, Inc. (C-2598)	do	Do.
Travel King, Inc., et al. (D-8949)	Complaint	Jan. 7, 1974
Classic Carpets (C-2455)	Consent order	Sept. 17, 1973
Hammond Begun (C-2452)	do	Sept. 11, 1973
Discount Carpets (C-2396)	do	May 2, 1973
Beauty-Rama (C-2398)	do	Do.
National Carpet Service Co. (C-2399)	do	Do.
Rubins Discount Carpets (C-2397)	do	Do.

Mr. MACDONALD. Thank you very much. Mr. Chairman.

Mr. ENGMAN. Thank you, Mr. Chairman, it has been a pleasure to be here with you and Congressman Frey and Congressman Wirth and this committee.

Mr. MACDONALD. Thank you.

[The following exchange of letters was received for the record:]

HOUSE OF REPRESENTATIVES,
INTERSTATE AND FOREIGN COMMERCE COMMITTEE,
Washington, D.C., July 21, 1975.

Hon. LEWIS A. ENGMAN,
Chairman, Federal Trade Commission,
Washington, D.C.

DEAR MR. CHAIRMAN: Thank you very much for appearing before the Communications Subcommittee last Wednesday. I regret, however, that time did not allow a sufficient opportunity to explore some questions raised by your testimony.

To complete our inquiry, it would be helpful to me and the other members of the Subcommittee if you could provide answers to the additional questions which follow. Chairman Macdonald has advised me that the hearing record will be kept open until August 4, so if you could submit your response to me by that date, I would be most appreciative.

1. Do you feel that the FTC and the FCC today have the combined statutory authority necessary to regulate television advertising practices aimed at children? If not, what additional authority should Congress grant?

2. Do you feel that there is need for regulation by the FTC and the FCC, or self-regulation by the broadcasting industry, of commercial advertising at times when large numbers of children are watching programs not specifically intended for children? If not, why not? If yes, what sort of regulation should there be? The same that applies to advertising on children's television programs?

3. In Chairman Wiley's testimony before the Communications Subcommittee, he referred to "an understanding" between the FCC and the FTC with respect to the jurisdiction of each agency as it relates to children's television programming. What is your understanding of that "understanding?" Were you party to it? Was it reduced to writing?

4. In Mr. Robert Choate's testimony, he suggested that the FTC adopt the following standard with respect to the advertisement of hazardous products:

> An advertisement portraying an over-the-counter drug shall not suggest, state, imply or portray that the drug is effective, or more effective, for relief of any ailment, complaint or symptom, beyond that which is mentioned on the label of the product as conditioned by the FDA panel monograph, AND
>
> . . . . an advertisement for an over-the-counter drug shall be deemed unfair unless it fully reflects the content and extent of the recommended warnings and contradictions including, but not limited to, those pertaining to children and child ingestion.
>
> Furthermore, any claim for an OTC drug in an advertisement shall be deemed unfair unless the documentation of that claim by expert research is in the public domain.

Would you consider this to be a reasonable standard? Should it be adopted by the FTC? If not, why not?

5. When do you expect the FTC will take action on hazardous product advertising to children?

6. Does the FTC have any plans to establish a Children's Bureau, similar to the FCC's Children's Bureau that was set-up by Chairman Burch and dismantled by Chairman Wiley?

7. Does the FTC still favor the creation of a right to access to respond to commercial advertisements, as it proposed to the FCC in connection with its inquiry into handling of public issues under the Fairness Doctrine?

8. What research, in your opinion, still needs to be done with respect to the effects of television advertising on children? Who should bear responsibility for doing such research? What should the FTC's research responsibility be?

9. What actions does the FTC plan to take as a follow-up to your testimony before the Communications Subcommittee?

10. Specifically, do you plan to set-up an inter-agency task force with the FCC that would meet regularly and formulate a coordinated policy for dealing with children's television programming?

Again, many thanks for your cooperation with the Subcommittee. We look forward to receiving your response.

Best wishes,

Sincerely yours,

TIMOTHY E. WIRTH,
Member of Congress.

FEDERAL TRADE COMMISSION,
Washington, D.C., August 13, 1975.

Hon. TIMOTHY E. WIRTH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN WIRTH: This is in response to your letter of July 21, 1975, in which you transmitted a number of supplemental questions following my testimony of July 16 concerning unfair and deceptive advertising aimed at children.

1. You asked whether the FTC and the FCC have the statutory authority necessary to regulate television advertising practices aimed at children. While I am unable to speak for the FCC, the existing statutory authority of the FTC, specifically Section 5 of the Federal Trade Commission Act prohibiting unfair or deceptive acts or practices, is sufficient to enable the Commission to regulate the content of advertising directed at children.

2. You asked whether there is a need for regulation of advertising at times when large numbers of children are watching programs not specifically intended for children and if so, what sort of regulation. As I pointed out in my testimony, this is certainly an area of legitimate concern, but one which raises a number of difficult issues which must be resolved before deciding the scope and nature of any necessary regulation. The Commission staff currently is studying the problems in this area.

3. I have enclosed a copy of the liaison agreement between the FCC and the FTC.[1] although I was not a party to it, I believe that this agreement accurately describes the general division of responsibility that is applicable to children's television advertising. Additionally, as I indicated at the hearings, I have had and will continue to have regular meetings with Chairman Wiley.

4. The Commission is currently examining the question of advertising of OTC drugs covered by FDA panel monographs, and neither I nor the Commission has made a final judgment. Certainly the Commission will give great weight to the expertise of the FDA panels. At the same time it is important to recognize the significantly different issues which may be involved in labeling and advertising.

5. I have been advised that staff recommendations on hazardous product advertising will reach the Commission in September.

6. The Commission has no present plans to establish a children's bureau.

7. The Commission's statement with respect to counter advertising was submitted to the FCC in the context of a particular proceeding, after a formal vote of the full Commission in July, 1972. The Commission has not addressed the question since then. A copy of the complete statement is attached for your information.

8. As an independent law enforcement agency, the FTC has not traditionally engaged in extensive scientific research. However, the Commission has asked the National Science Foundation to commission research on children's perceptions and responses to television advertising. We expect to receive staff proposals in the next few months recommending that the Commission encourage or even fund additionally needed research in the area of children's television.

9. In the near future, the FTC will be acting on the premium guide, the hero figure study and staff recommendations with respect to hazardous products advertising. Furthermore, the Commission expects to fund additionally needed research projects in the area of children's advertising to the extent of our appropriational allowance.

10. As I stated in my testimony before your Subcommittee, the Commission has no immediate plans to set up an interagency task force with the FTC. The liaison arrangement referred to in the 1972 agreement (page 2) and my personal contacts with Chairman Wiley should be sufficient to foster the necessary interagency coordination.

I appreciate your interest in this important area, and I hope this letter answers your questions adequately. If not, or if there are other questions in this area of interest to you and the Subcommittee, do not hesitate to contact me.

Sincerely,

LEWIS A. ENGMAN,
Chairman.

Enclosures.

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[1] See p. [illegible], this hearing. Submitted as part of FCC Chairman Wiley's response to written questions.

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION, WASHINGTON, D.C.

(Docket No. 19260)

IN THE MATTER OF THE HANDLING OF PUBLIC ISSUES UNDER THE FAIRNESS DOCTRINE AND THE PUBLIC INTEREST STANDARDS OF THE COMMUNICATIONS ACT

PART III: ACCESS TO THE BROADCAST MEDIA AS A RESULT OF CARRIAGE OF PRODUCT COMMERCIALS

STATEMENT OF THE FEDERAL TRADE COMMISSION

A. Introduction

The Federal Trade Commission submits this statement to the Federal Communications Commission as an expression of its views with regard to Part III of the FCC's Notice of Inquiry concerning the Fairness Doctrine, *i.e.*, that part of the inquiry entitled "Access to the Broadcast Media as a Result of Carriage of Product Commercials."

As an agency with substantial responsibility for and experience with the regulation of advertising practices and the development and enforcement of official policy respecting the impact of advertising upon the economy, the Federal Trade Commission believes that it has information and views that are relevant to this proceeding, specifically with regard to the economic nature and market impact of broadcast advertising and with regard to appropriate governmental responses to these aspects of advertising. The following comments express the Commission's support for the developing concept of "counter-advertising," or the right of access, in certain defined circumstances, to the broadcast media for the purpose of expressing views and positions on issues that are raised by such advertising. Although the Commission recognizes the potential complications and various difficult problems with regard to implementation and possible ultimate effects, the Commission is of the view that some form of access for counter-advertising would be in the public interest.

None of the comments contained in this statement should be construed to indicate the Commissions' views or position with regard to any issue involved in any adjudicative matter. Indeed, this presentation is based on policy considerations, and avoids specific examples of the general points conveyed in order to prevent any possible prejudgment of cases before the Commission in an adjudicatory posture.

B. Magnitude of the Problem

While much has been said in submissions by other parties concerning the social and cultural impact of broadcast advertising upon the national character, relatively little attention has been paid to the economic role of advertising and its proper place as a pro-competitive and pro-consumer force in a free enterprise economy. It is, however, from this latter perspective that the Federal Trade Commission approaches the question of determining a responsible, effective governmental posture vis-a-vis broadcast advertising. While others have sought additional or different access rights premised upon a social or cultural view of advertising, such considerations are beyond the scope of this statement.

It would be difficult to overstate the significance of the advertising mechanism in the modern free enterprise economy. To a society that values highly individual choice, the maximization of consumer welfare, and technological progress, fair and effective advertising must be of critical importance. The technique of advertising permits producers to speak directly to purchasers concerning these major economic decisions. This opportunity enables the consuming public to be sufficiently informed of the range of available options to be in a position, without external aid, to define and protect their own interests through marketplace decision-making. Advertising further provides sellers both a vehicle and an incentive for the introduction of new products and new product improvements.

It is beyond dispute that for a host of consumer goods: broadcast advertising plays a predominant role in the marketing process. In 1970, advertising expenditures in this country totaled almost $7 billion, or approximately $115.00 per family in the United States. $3.6 billion of this sum, or about $60.00 per household, was devoted to broadcast advertising. The vast bulk of all broadcast advertising—$3.2 billion, or $52.00 per family—was television advertising.

Broadcast advertising is dominated by a relatively few major companies. In 1970, fewer than 100 firms accounted for 75% of all broadcast advertising expenditures. Ten firms were responsible for over 22% of all broadcast advertising expenditures, and the comparable figure for television advertising is even higher. The top ten television advertisers spent almost one-quarter of the money spent for television advertising; the top five alone accounted for over 15%. Moreover, more than half of all TV broadcast advertising expenditures were accounted for by five product categories—food, toiletries, automotive products, drugs, and soaps and detergents—and the figure would have been even higher had cigarette advertising been included. Significantly, sales presentations for these products often raise issues, directly or implicitly, that relate to some of the nation's most serious social problems—drug abuse, pollution, nutrition and highway safety.

Much of advertising is truthful, relevant, tasteful and—taken as a whole—a valuable and constructive element in this nation's free competitive economy. On the other hand, it is widely asserted that advertising is capable of being utilized to exploit and mislead consumers, to destroy honest competitors, to raise barriers to entry and establish market power, and that there is a need for government intrusion to prevent such abuses.

It is plain that television is particularly effective in developing brand loyalties and building market shares. The careful combination of visual and sound effects, special camera techniques the creation of overall moods, and massive repetition can result in a major impact upon the views and habits of millions of consumers. Thus, television has done more for advertising than simply providing animation to the radio voice; it has added a new dimension to the marketing process.[1]

Finally, advertising today is largely a one-way street. Its usual technique is to provide only one carefully selected and presented aspect out of a multitude of relevant product characteristics. Advertising may well be the only important form of public discussion where there presently exists no concomitant public debate. At times, this may produce deception and distortion where the self-interest of sellers in disclosure does not coincide with the consumer's interest in information.

All of these elements of the modern-day advertising mechanisms combine to endow broadcast advertising with an enormous power to affect consumer welfare.

C. The Role of the Federal Trade Commission in Advertising Regulation

As a matter of first priority, the FTC is committed to a program designed to remedy the dissemination of false advertising. Ads that are false or misleading clearly possess the potential of conveying misinformation, distorting resource allocations, and causing competitive injury. The FTC is empowered to proceed against such advertising and constantly strives to do so, primarily by means of administrative litigation, seeking various remedies that will vitiate the effects of the challenged deception.

It is important, however, to recognize two limitations upon litigation as a tool in the regulation of deceptive advertising. First, litigation is generally a lengthy and very costly device for the resolution of conflicts and in many instances cannot be successfully concluded until the damage has been done. Further, the Commission's resources are far too small to permit a formal challenge to every case of deception coming to its attention, and we may select priorities that result in our neglect of some important instances of advertising abuse. Second, the litigation process may be a relatively unsatisfactory mechanism for determination of the truth or accuracy of certain kinds of advertising claims. As suggested below, some advertising is based on "controversial" factual claims and opinions, and litigation may fail to resolve the controversies involved.

The FTC has recently undertaken to utilize a supplementary tool for the encouragement of truth-in-advertising. This technique is the systematic use of information-gathering and public-reporting authority under Section 6 of the FTC Act, in the form of a program of submission, by all advertisers in selected major industries, of substantiation for advertising claims, for evaluation and use by the general public. While this program alleviates some of the shortcomings of litigation, it is nevertheless subject to two major limitations. First, this particular program can deal effectively with only those claims that purport or appear to be "objectively verifiable", *i.e.*, claims which, if set forth carefully, must be based on and supported by laboratory tests, clinical studies or other fully "adequate" substantiating data. Second, this program also is limited by the extent of available resources. Even if the program succeeds in its expressed goal of seeking and then screening substantiating data with respect to a different product line each month, it will not reach most of the broadcasting advertising that appears each broadcast season.

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[1] Television is now "an intimate part of most people's lives and is a major factor in affecting their attitudes, in bringing them information, and in setting their life styles." White House Conference Report on Food, Nutrition and Health, p. 2. See *Banzhaf* v. *F.C.C.*, 405 F.2d 1082 (D.C. Cir. 1968), *cert. denied*, 396 U.S. 842 (1969):

> Written messages are not communicated unless they are read, and reading requires an affirmative act. Broadcast messages, in contrast, are 'in the air'. . . . It is difficult to calculate the subliminal impact of this pervasive propaganda, which may be heard even if not listened to, but it may reasonably be thought greater than the impact of the written word." 405 F.2d at 1100–01.

See also *Capital Broadcasting Co.* v. *Mitchell*, Civ. Action No. 3495–70 (D.C. Cir., Oct. 14, 1971), upholding the constitutionality of the Congressional ban on broadcast advertising of cigarettes.

In addition to being truthful, it would be desirable for advertising to be "complete" in the sense that it makes available all essential pieces of information concerning the advertised product, i.e., all of the information which consumers need in order to make rational choices among competing brands of desired products. Where the advertising for a particular product fails to disclose the existence of a health or safety hazard involved in the use of the product, or where it fails to provide some other "material" informational element in a circumstance in which such nondisclosure results in a misleading impression concerning the advertised product, the FTC is empowered to require clear and conspicuous disclosure of the relevant warning or other information, through litigation and/or rulemaking procedures. Moreover, failure to disclose performance or quality data in a manner that would facilitate comparison of the value of all competing brands is also within the power of the FTC to correct, at least in those circumstances in which the nondisclosure denies to consumers the kind of information which is found essential to the proper use of the advertised product.

The FTC's efforts to foster "completeness" by means of such disclosures is subject to two impediments. First, required disclosures must compete for consumer attention with the advertiser's own theme and message. Given the limitations of short commercials, it is usually impossible to require inclusion of the entire range of material information which consumers need and should have for intelligent shopping.[2] Second, the FTC's efforts are necessarily aimed at imposing disclosure requirements upon advertisers who may believe their self-interest is hindered by the dissemination of the information in question. In such cases, one cannot expect the disclosures to be presented as clearly or effectively as would be the case of presentations by advocates who believe in the information and want it to be used by viewers and consumers.

D. The Role of Counter-Advertising

The Commission believes that counter-advertising would be an appropriate means of overcoming some of the shortcomings of the FTC's tools, and a suitable approach to some of the failings of advertising which are now beyond the FTC's capacity. While counter-advertising is not the only conceivable technique, regulatory or otherwise, for ameliorating these problems, it may be the least intrusive, avoiding as it does the creation of additional governmental agencies or further direct inhibitions on what advertisers can say. Counter-advertising would be fully consistent with, and should effectively complement, the enforcement policies and regulatory approaches of the FTC, to foster an overall scheme of regulation and policy which would deal comprehensively with many important aspects of advertising, to insure with greater certainty that advertising serves the public interest.

Any attempt to implement a general right of access to respond to product commercials must allow licensees a substantial degree of discretion in deciding which commercials warrant or require access for a response. Certainly, it is implicit in the foregoing discussion that not all product commercials raise the kinds of issues or involve the kinds of problems which make counter-ads an appropriate or useful regulatory device. It is equally clear, however, that the licensee's discretion should be exercised on the basis of general rules and guidelines which should, *inter alia*, specify the general categories of commercials which require recognition of access rights.

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[2] The average 30 second spot contains only one major selling point. Yet the consumer may wish to make his or her choice with regard to many products on the basis of a potential multitude of relevant characteristics. See Testimony of Thomas C. Dillon, Hearings on Modern Advertising Practices Before the Federal Trade Commission, October 22, 1971, p. 322, 343. (All citations from the Hearings on Modern Advertising Practices are from the uncorrected transcript, and may be supplemented or contradicted by other testimony appearing elsewhere in the transcript.)

The FTC believes that certain identifiable kinds of advertising are particularly susceptible to, and particularly appropriate for, recognition and allowance of counter-advertising, because of characteristics that warrant some opportunity for challenge and debate. Such an opportunity has not been afforded sufficiently by means of broadcast news or other parts of programming, and it is unlikely that it will or can be so afforded by such means at any time in the future. Hence, it is believed that challenge and debate through counter-advertising would be in the public interest with respect to the following categories of advertising:

1. Advertising asserting claims of product performance or characteristics explicitly raise controversial issues of current public importance.

Many advertisers have responded to the public's growing concern with environmental decay by claiming that their products contribute to the solution of ecological problems, or that their companies are making special efforts to improve the environment generally. Similar efforts appear with respect to the public's concern with nutrition, automobile safety, and a host of other controversial issues of current public importance. While other approaches could, of course, be devised, the most effective means of assuring full public awareness of opposing points of view with regard to such issues, and to assure that opposing views have a significant chance to persuade the public, is counter-advertising, subjecting such issues to "free and robust debate" in the marketplace of ideas.

The FCC has apparently already recognized the existence of Fairness Doctrine obligations with regard to this category of advertising.[3] Hence, there is no need for further discussion at this point:

2. Advertising stressing broad recurrent themes, affecting the purchase decision in a manner that implicitly raises controversial issues of current public importance.

Advertising for some product categories implicitly raises issues of current importance and controversy, such as food ads which may be viewed as encouraging poor nutritional habits,[4] or detergent ads which may be viewed as contributing to water pollution. Similarly, some central themes associated by advertising with various product categories convey general viewpoints and contribute to general attitudes which some persons or groups may consider to be contributing factors to social and economic problems of our times. For example, ads that encourage reliance upon drugs for the resolution of personal problems may be considered by some groups to be a contributing cause of the problem of drug misuse. Counter-advertising would be an appropriate means of providing the public with access to full discussion of all of the issues raised by the above types of advertising, thus shedding light upon the perceived effects of advertising upon societal problems:[5]

3. Advertising claims that rest upon or rely upon scientific premises which are currently subject to controversy within the scientific community.

Some products are advertised as being beneficial for the prevention or cure of various common problems, or as being useful for particular purposes because of special properties with regard to performance, safety and efficacy. For example, a drug may be advertised as effective in curing or preventing various problems and ailments. A food may be advertised as being of value to various aspects of nutritional health or diet. A detergent or household cleanser may be advertised as capable of handling difficult kinds of cleaning problems.

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[3] See *In re Complaint of Wilderness Society, Friends of the Earth, et al.* (Esso), 31 F.C.C. 2d 729 (September 23, 1971); see also Letter to National Broadcasting Co., et al. (Chevron), 29 F.C.C. 2d 807, p .7, n. 6 (May 12, 1971).

[4] The White House Conference Report on Food, Nutrition and Health, page 170: "The gaps in our public knowledge, along with actual misinformation, carried by some media are contributing seriously to the problem of hunger and malnutrition in the United States." The Conference Report noted that some commercial messages in food advertising which purport to be educational are in fact counter-educational: "No other area of the national health probably is as abused by deception or misinformation as nutrition." The report urged that action be taken to require corrective information to the public concerning any prior deception advertising. "This action is necessary to counteract the tremendous counter-education of our children by false and misleading advertising of the nutritional value of foods, particularly on television."

[5] Support for the application of Fairness Doctrine rights to this general category of advertising can be found in *Friends of the Earth v. FCC*, Dkt. 24,566 (D.C. Cir., Aug. 16, 1971): "Commercials which continue to insinuate that the human personality finds greater fulfillment in the large car with the quick getaway do, it seems to us, ventilate a point of view which not only has become controversial but involves an issue of public importance. When there is undisputed evidence, as there is here, that the hazards to health implicit in air pollution are enlarged and aggravated by such products, then the parallel with cigarette advertising is exact and the relevance of Banzhaf incapable."

Such claims may be based on the opinions of some members of the scientific community, often with tests or studies to support the opinions. The problem with such claims is that the opinions on which they are based are often disputed by other members of the scientific community, whose opposing views are based on different theories, different tests or studies, or doubts as to the validity of the tests and studies used to support the opinions involved in the ad claims.

If an advertiser makes such a claim in a manner that implies that the claim is well-established and beyond dispute, when in fact the claim is currently subject to scientific controversy, the advertiser probably would be guilty of deceptive advertising, and the FTC is empowered to take formal action to eliminate the deception.

However, counter-advertising could be a more effective means of dealing with such cases. For example, formal government action against such claims might, on occasion, unfortunately create the misimpression of official preference for one side of the controversy involved in the advertising. Counter-advertising would permit continued dissemination of such claims while subjecting them to debate and vigorous refutation, providing the general public with both sides of the story on the applicable issues. Such debate and discussion would be a useful supplement to a continued FTC concern with other forms of abuse of advertising in this general category.

4. Advertising that is silent about negative aspects of the advertised product.

We have noted some shortcomings of the FTC's efforts to foster "completeness" by imposing disclosure requirements. In these and other circumstances, the FTC believes that counter-advertising would be a more effective means of exposing the public to the negative aspects of advertised products. This is especially true for situations in which there is an open question as to the existence or significance of particular negative aspects.

For example, in response to advertising for small automobiles, emphasizing the factor of low cost and economy, the public could be informed of the views of some people that such cars are considerably less safe than larger cars. On the other hand, ads for big cars, emphasizing the factors of safety and comfort, could be answered by counter-ads concerning the greater pollution arguably generated by such cars. In response to advertising for some foods, emphasizing various nutritional values and benefits, the public might be informed of the views of some people that consumption of some other food may be a superior source of the same nutritional values and benefits. In response to advertising for whole life insurance, emphasizing the factor of being a sound "investment," the public could be informed of the views of some people that whole life insurance is an unwise expenditure. In response to advertising for some drug products, emphasizing efficacy in curing various ailments, the public could be informed of the views of some people that competing drug products with equivalent efficacy are available in the market at substantially lower prices.

This list of examples could go on indefinitely, for the existence of undisclosed negative aspects, or "trade-offs" of one sort or another, is inherent in all commercial products and thus in all advertising. Rather than forcing all advertisers to disclose all such aspects in all of their own ads, it is more efficient and more effective to provide for such disclosures, to the maximum extent possible, through counter-advertising.

E. Implementation of These Proposals

While adoption of these suggestions may impose additional economic and social costs, the extent of such costs will largely depend on the mode of implementation. The FTC does not possess the expertise to speak definitely on this point, but it would appear that adoption of a variety of procedures and limitations could minimize the costs involved in these proposals, to a point where the countervailing public benefit far exceeds any loss.

For example, the Commission recognizes that it may be desirable to impose strict limits upon access rights within each category. In addition to limitations on the frequency and duration of replies in each category, it might be appropriate to prohibit replies to particular ads (as opposed to all advertising for certain product categories), at least for some types of advertising problems. For example, with respect to the problems and issues raised by general ad themes, it might be appropriate to require replies to apply to all advertising involving the theme or product in question, rather than being aimed at one particular ad or one particular brand. Such a limitation, however, would be inappropriate with regard to some other categories, such as "public issue" ads, that explicitly raise controversial issues of current public importance in connection with the marketing of particular brands.

Further, it is not essential that counter-advertising be presented in the 30 or 60 second spot format so frequently utilized for commercial advertisements. In fact, that procedure might unacceptably increase either the cost of commercial advertising, thereby possibly raising barriers to entry into some consumer goods industries or the percentage of broadcast time devoted to disconnected spots, thereby increasing the proportion of broadcast time devoted to selling and decreasing the proportion devoted to programming and entertainment. While there is reason to doubt that regular news or public service programs can effectively serve the counter-advertising function, short spots are not necessarily the only alternative. For instance, licensees might make available on a regular basis five minute blocks of prime time for counter-advertisments directed at broad general issues raised by all advertising involving certain products, as a way fulfilling this aspect of their public service responsibilities.

Beyond these general considerations, it is only appropriate that the Federal Trade Commission defer to the Federal Communications Commission on questions that relate to the more precise mechanics of implementing the concept of counter-advertising. That these proposals are workable does, however, seem clear both from a review of prior FCC experience with application of the Fairness Doctrine to cigarette ads and from the submissions in this proceding by those versed in the mechanics of implementing access rules. We do, however, urge that the following points be embodied in any final plan:

1. Adoption of rules that incorporate the guidelines expressed above, permitting effective access to the broadcast media for counter-advertisements. These rules should impose upon licensees an affirmative obligation to promote effective use of this expanded right of access.

2. Open availability of one hundred percent of commercial time for anyone willing to pay the specified rates, regardless of whether the party seeking to buy the time wishes to advertise or "counter" advertise. Given the great importance of product information, product sellers should not possess monopolistic control by licensees over the dissemination of such information, and licensees should not be permitted to discriminate against counter-advertisers willing to pay, solely on account of the content of their ideas.

3. Provision by licensees of a substantial amount of time, at no charge, for persons and groups that wish to respond to advertising like that described above but lack the funds to purchase available time slots. In light of the above discussion, it seems manifest that licensees should not limit access, for discussions of issues raised by product commercials, to those capable of meeting a price determined by the profitability of presenting one side of the issues involved. Providing such free access would greatly enhance the probability that advertising, a process largely made possible by licensees themselves, would fully and fairly contribute to a healthy American marketplace.

Mr. Macdonald. Our next witness this morning, whom I have already announced, is Dr. Liebert.

Mr. Liebert. Thank you, Mr. Chairman.

STATEMENT OF ROBERT M. LIEBERT, Ph. D., SCIENTIFIC DIRECTOR, MEDIA ACTION RESEARCH CENTER, INC. (MARC)

Mr. Liebert. I would like to begin by thanking you, Mr. Macdonald, and the members of this subcommittee for inviting me to appear today.

As professor of psychology and psychiatry at the State University of New York at Stony Brook and scientific director of the Media Action Research Center, Inc., or MARC, a not-for-profit organization devoted to studying the effects of media on our socity, I would like to share with you both a general perspective on television and children and some of our most recent findings concerning spot announcements particularly.

American television is now recognized as the most important social force in the 20th century. Its news broadcasts are more influential than the world's great newspapers, its entertainment is seen by more people in a week than have through four centuries seen any of Shakespeare's plays, its presentations of our political scene are more likely to shift the balance of political power domestically and internationally than was even dreamed of two decades ago, and its vital service of transmitting commercial messages is a more potent vehicle for the manufacturer than word of mouth, good will and reputation, or the splashiest and most expensive full-page color print ad ever was.

What is the basis of television's great power? At one level, the answer is clear: Television is watched. Last year, in the average American household a television set was on about 6½ hours a day, 7 days a week, without holiday. This year's figure will be higher, and next year's higher still. A child born today in our country will by the age of 18, have spent more time watching television than in any other single activity but sleep; he or she will spend during these formative years 50 percent more time watching television than going to school.

With these facts in mind, it will come as no surprise that the effects of television, the socially important effects, are now being investigated and, in some cases, have already been closely charted by behavioral scientists.

Certainly the best known of previous investigations is the TV violence inquiry of 1969–71, instigated by earlier congressional hearings and involvement and implemented jointly by the National Institute of Mental Health and the Surgeon General's Office. As you know, the results of that investigation, in which I served as a principal investigator, confirmed the long-held suspicion of scientists and laymen alike: There is a direct causal connection between television violence and aggressive behavior in the young, a connection that, according to then Surgeon General Jesse Steinfeld, "* * * is strong enough that it requires some action on the part of responsible authorities. * * *" [1972, p. 28].

As many of us suggested when the Surgeon General's final report was being written, the real significance of our findings went far beyond the issue of violence, for they suggested that all televised material, entertainment programing as well as educational shows, product commercials as well as public service announcements, potentially exerts an influence on the social development of children.

Since 1972, when Dr. Steinfeld delivered his final report to this committee's counterpart in the Senate, telling evidence has emerged to support the view that other aspects of programing are socially important; racial, ethnic, and sex role biases, for example, have now been shown to be cultivated in children by much of today's entertainment fare—Frueh and McGhee, 1975; Graves, 1975; Liebert and Poulos, 1975.

A more promising sign has also appeared, however, for in the past 3 years at least 10 different investigations have demonstrated that broadcast television can and sometimes does inculate such positive social lessons as sharing, cooperation, and tolerance—Leifer, 1975; Liebert, Sprafkin and Poulos, 1975; Sprafkin, Liebert and Poulos, 1975.

These results all suggest in a general way that the content of spot messages may also exert an important influence on children, and that idea is strongly supported by our own recent investigations. I would like to describe, very briefly, three studies that relate closely to this committee's work; more complete reports, prepared by other MARC researchers, have been entered into the record to supplement my own statements.

The first study dealt with the production of a series of public service announcements for children, which MARC undertook in collaboration with United Methodist Communications, Inc. These 30-second spot messages do not sell any commercial products or services; rather, they sell cooperation and the idea of solving conflicts nonviolently, whenever possible. But we do view them as selling, and for this reason they have led us to detailed investigations of the general capacity and limitations of spot messages in affecting and influencing children.

Our major findings, presented last year in an invited address before the Advertising Research Foundation, and subsequently published by that organization—Liebert, Sprafkin, and Poulos, 1975—are these:

One: Well designed spot messages have a unique capacity to capture and hold the attention of a child audience. For this reason, they potentially can exert an influence far beyond what their short length—60, or more often 30 seconds, sometimes less than that—might suggest.

Two: Children, particularly young children, often misunderstand the intended message of spot announcements for both commercial products and public service information.

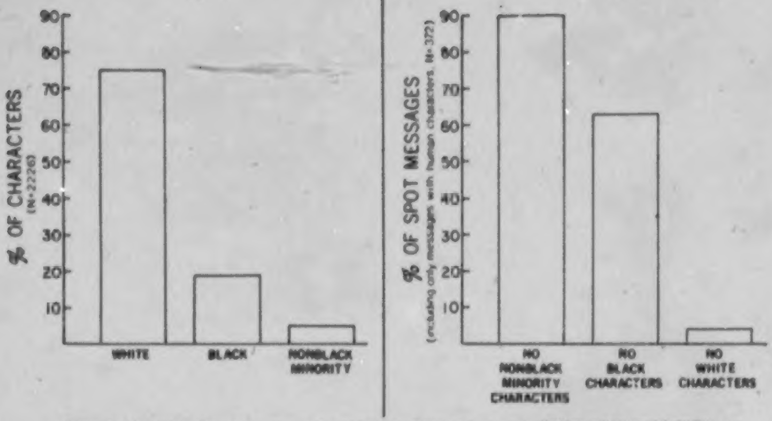
Three: The incidental features of a spot announcement such as the age, race, sex, and demeanor of its characters, play a significant role in determining the interpretation and impact of a spot message.

Four: Spot messages, because of their urgent, driving style and abundance of highly charged emotional elements, can easily lead to unintended effects.

When the vast power of spot announcements became apparent to us, a continuing study of their content seemed warranted. Spearheaded by Stephen Schuetz and Dr. Joyce N. Sprafkin, MARC's analysis began with an examination of approximately 400 Saturday morning spot announcements broadcast on five New York City stations during October 1974.

What we found, quite simply, were clear and persistent biases in the representation of minority groups and women. The same pattern was in evidence on all five stations and, because the preponderance of the messages channeled through the network stations we sampled are broadcast nationally, the basic results may be generalized to what is being shown in the entire country.

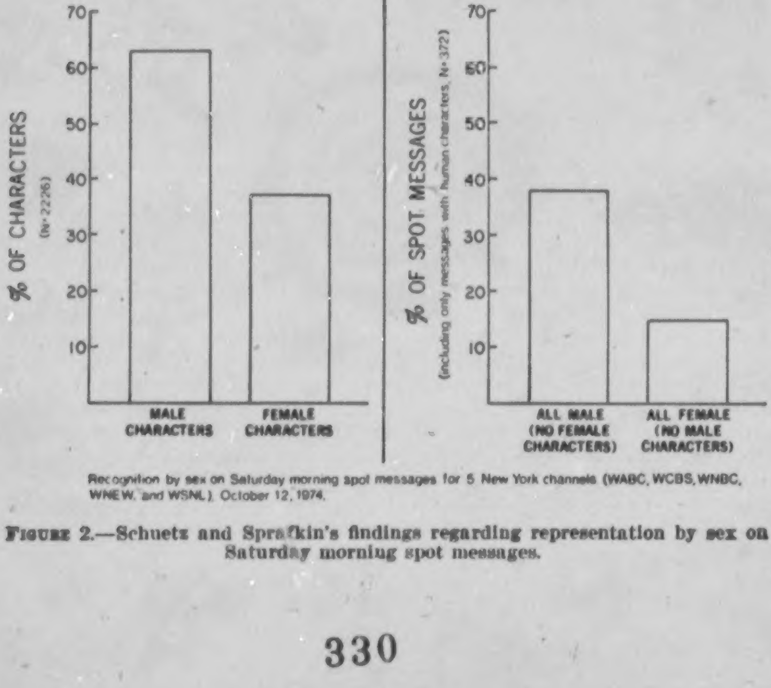
Figure 1, which I am showing to my right, shows our findings in terms of race and ethnic composition of spot messages. Note, on the left-hand side of the figure, that most roles are assigned to whites, and that a very small percentage of characters indeed are available to represent nonblack minorities, including Hispanic and Asian Americans and American Indians. Given the composition of our country, no one will be surprised that whites enjoy greater representation than other groups, but further analysis still leaves us with a disconcerting picture. As the right-hand side of the figure discloses, 9 out of every 10 spot messages give no representation whatsoever to nonblack minorities and about two-thirds still include no black characters; the number of messages without white characters is in contrast minuscule.



Recognition by race on Saturday morning spot messages for 5 New York channels (WABC, WCBS, WNBC, WNEW, and WSNL), October 12, 1974.

Figure 1.—Schuetz and Sprafkin's findings regarding representation by race on Saturday morning spot messages.

Women, our research shows, receive even shorter shrift than minorities. Though females make up slightly more than 50 percent of the general population—and the Saturday morning viewing audience—Figure 2, which I am now showing, shows that almost two-thirds of all roles in spot messages go to males and more than twice as many spots have an all-male cast than an all-female one.



Recognition by sex on Saturday morning spot messages for 5 New York channels (WABC, WCBS, WNBC, WNEW, and WSNL), October 12, 1974.

Figure 2.—Schuetz and Sprafkin's findings regarding representation by sex on Saturday morning spot messages.

Mr. LIEBERT. I cannot emphasize too strongly the significance of this pattern for shaping the attitudes of young viewers, for much psychological research supports Dean George Gerbner's penetrating insight that, "Representation in the fictional world"—television—"signifies social existence; absence means symbolic annihilation 7 days a week the dramatic pattern defines situations and cultivates premises about power, people and issues" [972, p. 44]. I might add that for children, this effect is particularly strong and particularly important.

Such effects are doubless unintended, but they are, nonetheless, real. Just as medical researchers have learned they must test the potential negative side effects of a new pharmaceutical compound with the same high-powered tools used to demonstrate effectiveness for its designated purpose, advertisers must be wary of accidentally injecting undesirable side effects into our children's minds as the thoughtless or accidental byproducts of the messages they send out over the public airwaves. Such measures are possible—and needed.

The last investigation I should like to describe today provides a clear case in point.

Here our efforts were initiated at the request of Mr. Stewart A. Block, an attorney for the Federal Trade Commission, who had received several complaints from parents of young children concerned about a series of breakfast food commercials. The series was designed to advertise a major brand cereal by associating it with wild-growing vegetation and thereby presumably emphasizing the natural qualities of the manufacturer's product. The four commercials in the series all show the same adult picking a different wild plant, from wild berries to parts of a pine tree, noting that the particular vegetation was good to eat and, in some cases, introducing portions of the plant into a bowl of cereal.

The concern raised was whether young children seeing these commercials might generalize from the spots' secondary message, that many wild plants are good to eat, and become more likely to pick and eat unknown wild plants, that are, in fact, poisonous.

Spearheaded by Dr. Rita Wicks Poulos, MARC's task was to determine through research whether this danger existed. Our research team therefore created a test to measure children's judgments as to whether various familiar and unfamiliar plants were good or bad to eat, and the test was administered to a group of youngsters, 5 to 11 years of age, both before and after they viewed the series of commercials. The results, shown in figure 3, indicated that the commercials had little effect in children's judgments of such familiar edibles as blackberries or carrots, designated group I in the figure. On the other hand, the commercials did appear to have an appreciable influence on children's judgments of unfamiliar and, in fact, nonedible plants (groups II and III). Most significant, this effect was greatest for the plants most similar in appearance to those shown in the commercials (group III).

Then, in order to pin down the effect even more clearly, Dr. Poulos also dichotomized the group II plants into those that grew any kind of berrylike product and those which did not. As the right-hand side of the figure discloses, children saw the berrygrowing plants as better to eat after watching the commercials, but their judgments of nonberry plants, dissimilar to anything shown in the commercials, did not rise and, in fact, declined slightly.

The overall pattern of results unmistakably implicates the commercials as having an unintended and quite negative potential side effect on children. Mr. Block, in his initial inquiry to us, asked whether these commercials had the demonstrable tendency or capacity to lead children to pick and consume wild vegetation that might be harmful. We found they did have such a tendency.

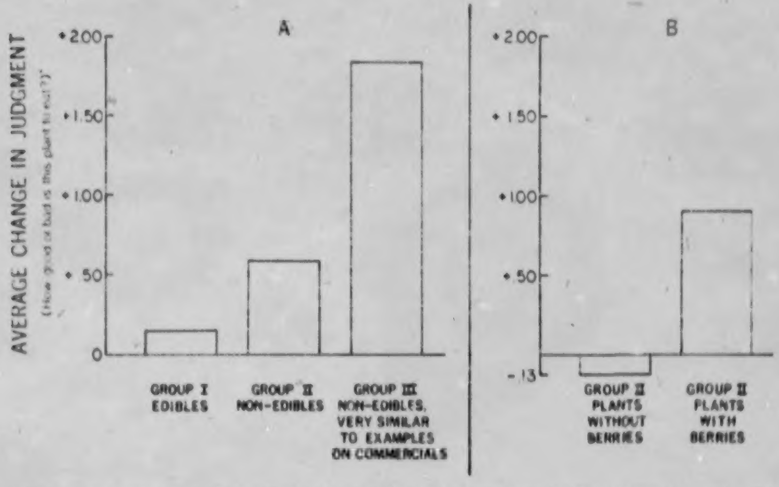


FIGURE 3.—Average change in judgment of how good or bad different plants are to eat (A) and the same measure for plants in Group II broken down into categories (B) in Dr. Rita Wicks Poulos' study of the unintended effects of four cereal commercials on children.

Most immediately, the significance of our findings is that they contributed to a tentative agreement in the case between the advertiser and the Federal Trade Commission and thereby set the extremely important precedent of including research with children instead of adult opinion alone in the regulatory process. Even more important, of course, the evidence shows how television commercials may have unintended negative effects that may be as strong, and as important, as those ever intended by their creators.

The television code of the National Association of Broadcasters states that:

> Television broadcasters should exercise the utmost care and discrimination with regard to advertising material, including content, placement and presentation, near or adjacent to programs designed for children. No considerations of expediency should be permitted to impinge upon the vital responsibility towards children and adolescents, which is inherent in television, and which must be recognized and accepted by all advertisers employing television.

Our own research indicates that this responsibility is not being adequately met, and it is my sincere hope the deliberations of this committee may lead to positive steps in that regard.

[The attachments to Professor Liebert's statement follow:]

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Spot Messages Appearing Within Saturday Morning Television Programs: A Content Analysis by Stephen Schuetz and Joyce N. Sprafkin, Media Action Research Center, Inc.

The overwhelming popularity of television has inspired considerable concern and numerous investigations of the entertainment medium's impact on children's social behaviors and attitudes. The result has been an extensive accumulation of knowledge demonstrating that children can learn both aggressive and prosocial behaviors from programs (Leifer, Gordon and Graves, 1974; Liebert, Neale and Davidson, 1973). Perhaps more subtle, but no less important, the race, occupational, and sex-role representations and portrayals of groups as they occur on television programs may greatly influence children's attitudes (Frueh and McGhee, 1975; Graves, 1975).

Considerably less attention, however, has focused on commercials—either on their impact on children or on their content. This may seem reasonable in light of a commercial's short duration relative to a program. Nevertheless, one very basic fact highlights the potentially powerful impact of commercials: commercials are produced specifically to attract and persuade, with every effort being made to make them appear credible; in contrast, programs are intended merely to entertain. It is this deliberate goal to change attitudes, about the desirability of certain products and services, and behavior, particularly concerning purchasing and consumption, that points to the importance of knowing what unintended messages, if any, commercials convey, and what effect they have on children. Certainly if programs intended merely to entertain can cause increases in aggressive behavior, more attention should be focused on high-powered messages designed to have specific effects.

This report describes the preliminary results of a content analysis of spot messages (both commercial product commercials and public service announcements) undertaken by Media Action Research Center, Inc. Specifically, it involved an examination of spot messages appearing within all of the programs broadcast by five stations in the New York area between 7:00 a.m. and 1:00 p.m. on one randomly chosen Saturday morning in October, 1974. From these stations, which included three affiliates of the major networks (WABC, WCBS, and WNBC), one VHF station (WNEW), and one UHF station (WSNL), 42 programs were taped off the air (see Appendix 1) and 414 spot messages appeared within them; 372 (about 90%) of these messages contained live or animated human characters (the remaining 42 did not feature recognizable human characters) and there were 2,226 characters in all. It should be emphasized that the spot messages examined were the ones most likely to be seen by children, since only those appearing during programs were included in the analysis; spot messages shown on the hour and half-hour were not considered.

We addressed two major questions in this initial investigation: What is the sex and race representation of the characters appearing in the spot message?

What products and services are advertised during programs potentially viewed by children and with what relative frequency?

SEX AND RACE REPRESENTATIONS

Serious objections have been expressed over the past few years in regard to the biased presentation of sex and racial/ethnic roles on the entertainment medium. Many studies have demonstrated the extent of stereotypic portrayals on television programs and suggested their possible effects. In the present investigation we examined sex and race presentations on spot messages potentially viewed by children.

The major concern with the presentation of stereotypes on television is that the result of such portrayals may be the acquisition of negative attitudes toward certain groups by the audience and the solidification of sexual and racial stereotypes. Evidence that these concerns are justified is now available. Regarding attitudes toward black Americans, for example, Greenberg (1972) reported that 40% of a large sample of white elementary school children said they learned most about how blacks look, and dress from television. Then, more recently, Graves (1975) demonstrated that negative portrayals of blacks on unedited television programs resulted in the modification of white children's attitudes towards blacks in the negative direction, while positive portrayals of blacks resulted in increased positive attitudes toward blacks by both black and white children. At the same time, Frueh and McGhee (1975) found that children (kindergarten through sixth graders) who were heavy television watchers (25 hours or more per week) maintained more stereotypic sex role values than a comparable group of light TV watchers (10 hours or less per week), a finding which very likely suggests a causal influence.

The process through which television viewers develop attitudes toward social groups has been addressed by Clark (1972), who observed that the psychological legitimization of a group on television involves two steps: recognition and respect. Recognition refers to the frequency with which the group appears on television, while respect refers to the formal role status (occupational and social) to which the group is assigned.

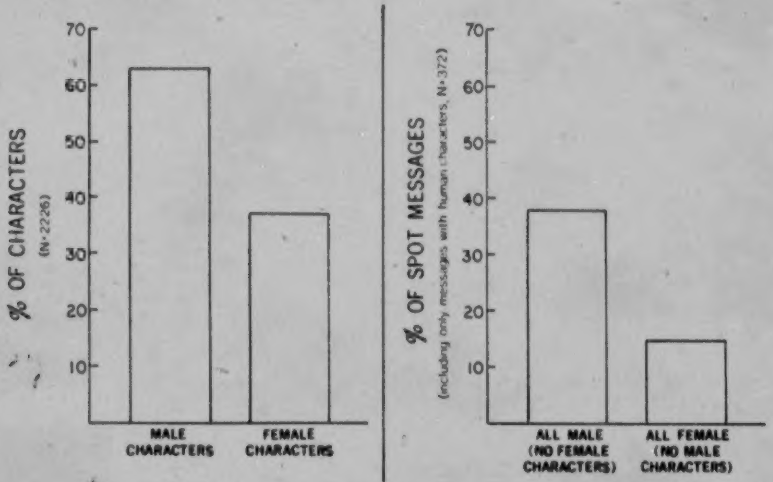
The under-representation of blacks and females on television is well documented. On children's programming in particular, males outnumber females more than 2 to 1 (Sternglanz and Serbin, 1974), and across several studies of adults' programs males have given 66–75% of all the possible scripted parts, while whites have filled between 70 and 90% of them (Gerbner 1972; Head, 1954; Smythe, 1953; Tedesco, 1974; Turow, 1974). The under-representation is particularly blatant for females, who make up slightly more than 50% of the population. With regard to respect, white males are most favorably portrayed, usually highly professional, powerful, and prestigeful (Gerbner, 1972). In contrast, females are usually portrayed in martial, romantic, and family roles (Gerbner, 1972), and blacks have been largely presented as entertainers and servants, and more recently as regulators of society (e.g., law enforcement officers) (Clark, 1972; Colle, 1968; Roberts, 1970–71).

There is some information available about the sex and racial portrayals on commercials to which children are exposed. In an unpublished report cited in Sheikh, Prasad, and Rao (1974), Barcus (1971) reported that the commercials on Saturday morning programming contained an under-representation of females and minority group members.

Our own work is designed to update the earlier analyses of spot messages and to provide a more detailed analysis than has been available previously. The information about sex and race representations was obtained by an adult observer who viewed the spot messages and recorded for each the number of male and female characters who were white, black, and nonblack minority members (including Oriental, Hispanic, and American-Indian groups). Appendix 2 contains the code used for analyzing the sex and race characteristics. To ascertain that the observer's ratings were accurate, a second adult observer independently reanalyzed 21 randomly selected commercials; very high agreement was obtained between the 2 raters. [Technically, this was done with a Pearson product-moment correlation, $r=+.95$.]

Recognition of Women

As Figure 4 indicates, out of a total of 2,226 characters, 62.8% were male and only 37.2% were female. Further, out of all the spot messages containing human characters, 37.63% had only male characters whereas only 14.52% had only female characters (i.e., no male characters).



Recognition by sex on Saturday morning spot messages for 5 New York channels (WABC, WCBS, WNBC WNEW, and WSNL), October 12, 1974

FIGURE 4.—Recognition by sex on Saturday morning spot messages for 5 New York channels (WABC, WCBS, WNBC, WNEW, and WSNL), October 12, 1974

We are currently examining the representation of males and females in the various types of spot messages. Overall, it appears that the public service announcements contain a larger proportion of females than do product commercials, the exceptions, of course, being advertisements for female dolls and miniature appliances.

The domination of spot messages by male characters was fairly comparable for the three race categories: 60.5% of the white characters were male, as were 70.3% of all black characters and 69.3% of all nonblack minority characters. However, while 69.4% of all adult characters were male, only 56.4% of the child characters were male. Stated another way, there are significantly more men than women on spot messages, whereas no significant sex difference exists for child characters. What this suggests in Clark's (1972) terms is that television is teaching our children that boys and girls are equally important, but that men are more important than women.

Recognition of Blacks and Nonblack Minority Members

As Figure 5 indicates, of the 2,226 characters, 75.4% were white, 19.4% were black and 5.2% were nonblack minority members. Further, of all the spot messages containing human characters, 89.8% contained no nonblack minority characters, 62.9% no black characters and only 4.0% no white characters. Of the nonblack minority members, 63.7% were Hispanic, 19.3% were Oriental, 8.1% were American Indian, and 8.9% could not be reliably assigned to a racial/ethnic group.

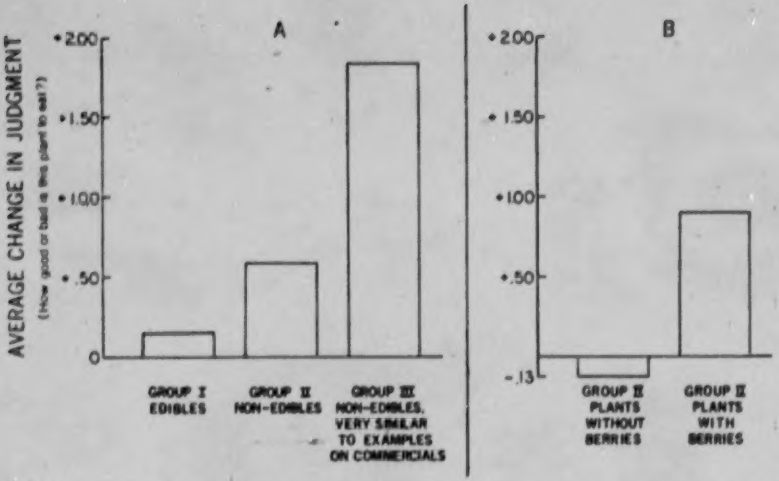


FIGURE 5.—Recognition by race on Saturday morning spot messages for 5 New York channels (WABC, WCBS, WNBC, WNEW, and WSNL), October 12, 1974

The representation of nonwhite characters was comparable for the two sexes as well as for children and adults. Of all male characters 21.7% were black and 5.8% were nonblack minority members; of all female characters, 15.5% were black and 4.4% were nonblack minority members; of all child characters, 19.5% were black and 3.5% were nonblack minority members; and of all adult characters 19.2% were black and 7.1% were nonblack minority members. In terms of overall impact, these variations are slight.

The 5 stations were essentially comparable in the recognition of blacks and nonblack minority members. The representations of blacks ranged from a low of 17.3% by WCBS to a high of 24.3% by WNEW, and for nonblack minority members from a low of 3.3% by WNBC to a high of 7.4% by WCBS. In balance, however, it is clear that broadcasters are a homogeneous group in this regard, for the basic pattern was the same on each of the stations from which we recorded.

Although the percentage of black and nonblack minority characters appearing in the spot messages fairly closely matches these groups' representations in the population, a black still has an exceedingly high probability of being the token black. Of the spot messages having black characters, 54.4% had only one black character, whereas of the spot messages featuring white characters, 76.5% had more than one white character.

As was mentioned earlier, respect is the second component of televised role portrayals which influences attitudes toward certain groups of people. Respect can accrue to a racial or ethnic group via the status of the parts assigned to its members, the kind of behavior they display within these parts, or even the type of products being promoted. Our research is now addressing these questions, but the analysis will not be completed until September, 1975. A few aspects of respect, though, are reflected in the data we have in hand. For example, our findings show that blacks occupy fully 40% of all human parts in commercials for records, while in commercials for box and board games, fewer than 6% of all parts were assigned to black actors. Here, in terms of respect, race by product bias is transparent.

PRODUCTS ADVERTISED

Just as children's attitudes about certain groups of people can be shaped by the group's relative frequency of appearance on television, so too can certain products and services become valued via the frequency of their advertisements. Thus, recognition becomes a useful tool here in examining the impact of spot messages on children's attitudes about products and services.

The spot messages were categorized to facilitate description. Product commercials, public service announcements, station identification, and ads for movies and television shows were the major types of messages; product commercials were further subcategorized (e.g., breakfast cereals, female dolls, box and board games). See Appendix 3 for a description of each category.

What Is Being Sold

The percentage of spot messages appearing for each category is shown in Table 1. It can be seen that the largest number of spots were for toys and playthings (36.9%), breakfast cereals (14.5%), and public service announcements (11.6%). We found no messages promoting fruit, vegetable, or dairy products of any kind.

TABLE 1.—RELATIVE FREQUENCY OF EACH SPOT MESSAGE CATEGORY[1]

	Percent of all spot messages	Percent of child-relevant spot messages	Percent of children's product commercials
Breakfast cereals	14.5	19.2	22.7
Desserts and snacks	8.0	10.5	12.5
Sweetened beverages	3.6	4.8	5.7
Solid candy	2.9	3.8	4.5
Miscellaneous sweets and desserts	1.0	1.3	1.5
Cookies and pastries	.5	.6	.8
Unsweetened foods	4.3	5.8	6.8
Grocery products	2.4	3.2	3.8
Fast foods	1.9	2.6	3.0
Fruit, vegetables, dairy products	0	0	0
Toys and playthings	36.9	49.0	58.0
Toy and motor vehicles	9.7	12.8	15.2
Female dolls (and accessories)	8.0	10.6	12.5
Male dolls (and accessories)	4.8	6.4	7.6
Box and board games	4.8	6.4	7.6
Minature appliances	2.9	3.8	4.5
Art and construction materials	2.4	3.2	3.8
Sporting goods	1.4	1.9	2.3
Riding vehicles	1.0	1.3	1.5
Toy weapons	1.0	1.3	1.5
Children's holiday supplies	.7	1.0	1.1
Stuffed and toy animals	.2	.3	.4
Public service announcements	11.6	15.4	
Television show and movie ads	10.4		
Adult products and services	8.9		
Albums and cassettes	2.9		
Station identification	1.7		
Miscellaneous	.7		
	(N=414)	(N=312)	(N=264)

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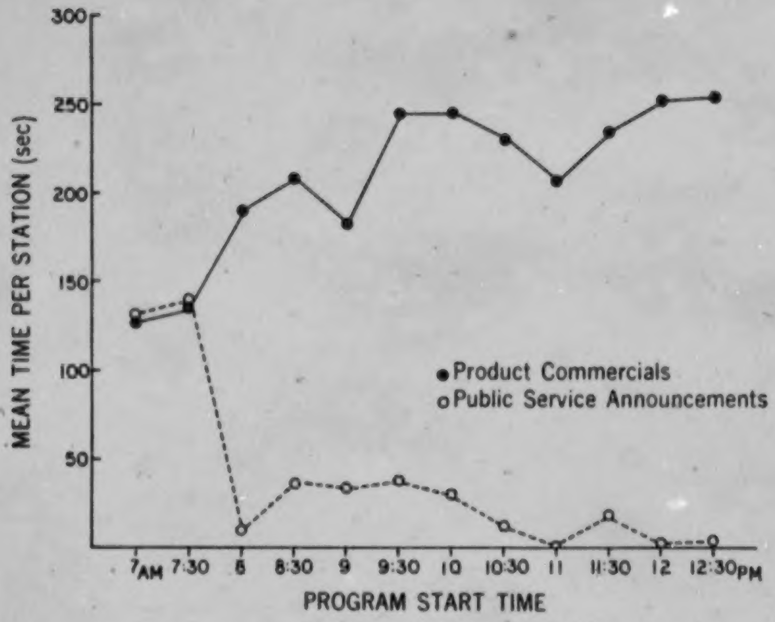
[1] Messages appeared within Saturday morning programs broadcast by 5 stations (WABC, WCBS, WNBC, WNEW, and WSNL), Oct. 12, 1974.

Time At Which Product Commercials and Public Service Announcements Appear

It was heartening to learn that public service announcements accounted for more than 15% of all spot messages relevant for children. However, a closer look at the times at which these spots were broadcast changes the picture. Figure 6 shows the number of broadcast seconds devoted to product commercials and public service announcements for each half-hour of programming. Note that in the early morning hours between 7:00 and 8:00 A.M., it was possible to see more public service announcements than product commercials. Air time granted to public service announcements then dropped to a mere fraction of what it had been a half hour earlier; and by 11:00 A.M. public service announcements disappeared from programming altogether, maintaining a near-zero level for the remainder of the recording period. It appears the networks are "fulfilling their obligations" to the public by shuttling these non-profit making spots into the hours during which a few children are watching and which cannot be profitably sold anyway.



Time at which Saturday morning product commercials and public service announcements were broadcast by 5 stations (WABC, WCBS, WNBC, WNEW and WSNL), October 12, 1974 (N=414).

FIGURE 6.—Time at which Saturday morning product commercials and public service announcements were broadcast by 5 stations (WABC, WCBS, WNBC, WNEW and WSNL), October 12, 1974 (N–414)

An examination of the time at which the various commercial spot messages were aired revealed that for most product categories, the commercials were fairly evenly distributed over the morning hours. A few exceptions were fast foods and groceries which peaked between 10:00 and 11:00 A.M. Clearly, the most time-based spot message was the public service announcement.

APPENDIX 1

Programs Within Which Spot Messages Appeared[1]

Time and station:	*Program*
7:00 a.m.:	
WABC	
WCBS	Patchwork Family.
WNBC	Zoorama.
WNEW	Daktari.
WSNL	
7:30 a.m.:	
WABC	Jabberwocky.
WCBS	Patchwork Family—continued.
WNBC	Mr. Magoo.
WNEW	Daktari—continued.
WSNL	
8:00 a.m.:	
WABC	Yogi's Gang.
WCBS	Speed Buggy.
WNBC	The Addams Family.
WNEW	Movie—"Sand".
WSNL	Faith in Focus.

Footnote at end of table.

Programs Within Which Spot Messages Appeared[1]—Continued

Time and station:	Program
8:30 a.m.:	
WABC	The Bugs Bunny Show.
WCBS	Scooby Doo Where Are You!
WNBC	Wheelie and the Chopper Bunch.
WNEW	Movie—"Sand"—continued.
WSNL	Mary Kelly's Puppet Party.
9:00 a.m.:	
WABC	Hong Kong Phooey.
WCBS	Jeannie.
WNBC	Emergency + 4.
WNEW	Movie—"Sand"—continued.
WSNL	Ahab and Friends.
9:30 a.m.:	
WABC	The New Adventures of Gilligan.
WCBS	Partridge Family: 2200 A.D.
WNBC	Run, Joe, Run.
WNEW	Mister Ed.
WSNL	Ahab and Friends—continued.
10:00 a.m.:	
WABC	Devlin.
WCBS	Valley of the Dinosaurs.
WNBC	Land of the Lost.
WNEW	The Flying Nun.
WSNL	Ahab and Friends—continued.
10:30 a.m.:	
WABC	Korg: 70,000 B.C.
WCBS	Shazam!
WNBC	Sigmund and the Sea Monsters.
WNEW	I Love Lucy.
WSNL	Ahab and Friends—continued.
11:00 a.m.:	
WABC	Super Friends.
WCBS	Harlem Globetrotters Popcorn Machine.
WNBC	Pink Panther.
WNEW	Soul Train.
WSNL	Ahab and Friends—continued.
11:30 a.m.:	
WABC	Super Friends—continued.
WCBS	The Hudson Brothers Razzle Dazzle Show.
WNBC	Star Trek.
WNEW	Soul Train—continued.
WSNL	Ahab and Friends—continued.
12:00 p.m.:	
WABC	These are the Days.
WCBS	U.S. of Archie.
WNBC	Jetsons.
WNEW	Movie: "The Unknown Terror."
WSNL	
12:30 p.m.	
WABC	
WCBS	Fat Albert and The Cosby Kids.
WNBC	GO.
WNEW	Movie: "The Unknown Terror"—continued.
WSNL	

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[1] Programs broadcast on 5 stations (WABC, WCBS, WNBC, WNEW and WSNL), October 12, 1974.

[APPENDIX 2]

CRITERIA FOR INCLUSION IN REPRESENTATIONAL ANALYSIS

Generally, all male and female human characters represented in live or animated form, as well as moving or still framed pictures were included in the character pool. These characters likewise had to be categorizable by sex, age (child or adult), and ethnic origin (white, black, or nonblack minority); the nonblack minorities included Hispanic, Oriental, and American Indian groups. Such characters would be counted once, despite multiple showings within the same commercial. The characters were also counted and observed in the modality of the original program; that is, if the station first presented the commercial in color, the commercial and its characters would be observed in color for the analysis.

Not included were animal characters, live or animated, even though they displayed characteristics representative of humans (for example, talk, emotional affect, activity, physical stature). Animal/human composite characters, as well as giants, witches, and elves were also eliminated. Finally, "still" pictures, cameos, busts, caricatures, or cartoons that were static in activity and/or of a single frame generally were not included.

[APPENDIX 3]

SPOT MESSAGE CATEGORIES

Adult Products and Services—includes products to aid in adult life (for example, medicinal supplies, cosmetics, cleansers).

Albums and Cassettes—includes records and cassettes for leisure use.

Art and Construction Materials—includes items for building and drawing.

Box and Board Games—includes games played on a board or that come in a box.

Breakfast Cereals—includes standard boxed cereal foods.

Children's Holiday Supplies—includes items for children that are pertinent to an upcoming holiday (for example, costumes).

Cookies and Pastries—includes standard baked items and cookies.

Fast Foods—includes hamburger and ice cream places featuring short orders.

Female Dolls (and Accessories)—includes dolls and their accessories (for example, houses, clothes, cars).

Fruits, Vegetables, and Dairy Products—as stated.

Grocery Products—includes grocery items not included in other categories (for example, peanut butter).

Males Dolls (and Accessories)—includes dolls and their accessories (for example, trucks, planes).

Miniature Appliances—includes small-scaled appliances (for example, toy stove).

Miscellaneous—includes items such as pet food.

Miscellaneous—Sweets and Desserts—includes sweetened products not included in other categories (for example, pudding).

Public Service Announcements—includes messages about public safety, health, and services by government or civic-minded agencies.

Riding Vehicles—includes vehicles and animals on which children can sit and locomote themselves.

Solid Candy—includes candy bars, gum, and other candy.

Sporting Goods—includes playground equipment and recreational objects (for example, football, volleyball).

Station Identification—includes short breaks during which narrator identifies station.

Stuffed and Toy Animals—includes both stuffed and plastic animals.

Sweetened Beverages—includes sodas and granular pre-mixed drinks.

Television Show and Movie Ads—includes upcoming features on television or at the cinema.

Toy and Motor Vehicles—includes vehicles that move (for example, cars, planes, sea vessels).

Toy Weapons—includes such products as guns and bows and arrows.

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UNINTENTIONAL NEGATIVE EFFECTS OF FOOD COMMERCIALS ON CHILDREN: A CASE STUDY BY RITA WICKS POULOS, MEDIA ACTION RESEARCH CENTER, INC.

During the recent years of pressing social transition, it has become increasingly acceptable that scientists, particularly social scientists, assume an active role in the formation and implementation of social policy concerning world events related to their disciplines (e.g., Korten, Cook, and Lacey, 1970). This is a dramatic change from the previous widely-held view of the scientist as an investigator of esoteric subject matter of inconsequential practical use. As positive as it may appear, however, the exact role the social scientist may play is only infrequently elucidated. This paper presents an example—a case study, if you will—of how my colleagues and I, as research psychologists, contributed, to the implementation of policy regarding television and its impact on children.

Several months ago, Mr. Stewart A. Block, an attorney for the Federal Trade Commission, approached us about collaborating with him on a particular problem related to the impact of television advertisement on children. Specifically, the FTC staff was interested in whether a series of commercials to which youngsters were exposed could have a deleterious effect on them. The commercials were designed to advertise a major brand cereal, and do so by associating the cereal with wild-growing vegetation, thereby emphasizing the natural qualities of the cereal. In the course of each of four commercials, the same adult is shown picking wild-growing berries, cattails, and parts of pine trees, while observing that each is edible and, by implication, healthful. In some of the advertisements the red wild berries actually are put into a bowl of the cereal. The question of interest to the FTC staff was whether these commercials have the tendency or capacity to lead children to intentionally or mistakenly pick and consume plants that could be harmful to them. Based on the concern for the physical safety of children, the FTC staff had embarked upon an investigation with a view towards determining if and how the advertisements might pose a hazard.

Our collaboration with Mr. Block evolved into two overlapping roles or tasks, one requiring consultation and the other consisting of initial direct evaluation of the commercials.

As consultants, we focused on the reasonableness of the hypothesis that the advertisements could have an adverse effect. In addressing this question, it first was necessary to weigh the danger of the possible influence. The issue, however, was quickly disposed of, as there was complete agreement that the potential consequences of consumption of certain plants is sufficiently serious to warrant concern. For example, a tabulation of treatment requests to 505 Poison Control Centers in 1971 revealed that among children under five years of age, 5.5% of all cases of poisoning were due to plant ingestion (Youngken and Karas, 1973). We turned, then, directly to what is known about television's influence that speaks to the reasonableness of the effects hypothesis.

At this point, let me convey that my colleagues, particularly Robert M. Liebert, and I have been actively investigating the influence of television for several years. At the heart of our work lies a belief in observational learning as one of the fundamental processes through which the human organism comes to know the world. Most simply, observational learning refers to the acquisition of knowledge through the viewing of the behaviors of others, and the influence of that knowledge on one's attitudes and actions. Principles of observational learning are directly applicable to television because TV viewing involves exposure to the behavior of others as modeled on the screen. Social scientists have begun to understand a great deal about the impact of both real and televised models on children so that in analyzing the effects hypothesis, we were able to bring to bear a vast body of knowledge that has been acquired over many years. It is possible here to consider only a few of the major points that provided the framework for our conclusions.

It is worth noting, that the message that wild plants are edible does not appear to be the primary lesson of the commercials in question. Rather, it simply is embedded into the context of the primary message that the cereal is wholesome. Nevertheless, it has been amply demonstrated that children can learn a wide range of incidental messages from television, from simple facts to more complex information concerning behaviors such as sex-role conduct and conflict resolution (e.g., Donagher, Poulos, Liebert, and Davidson, 1975; Liebert, Sprafkin, and Poulos, 1975; Stein, 1972). Thus, it is not the intent of the producers but the actual *content* and *effects* of television that must be examined. Increased sensitivity to the potential impact of incidental or unintentional material is, in fact, a necessary goal for everyone concerned with the influence of television—whether parents, producers, legislators, educators, or psychologists.

Research has not simply demonstrated, though, that children learn from television; it also has provided knowledge about the specific conditions that facilitate such learning. We know, for example, that the presence of a prestigious model, an uncluttered format, motion and activity, and change of scenes aid the learning process. The commercials in question are characterized by many of these attributes.

An additional important fact is that children can generalize from the examples they view; that is, extend the learning experience to somewhat different contexts and situations. Related to this, they also are able to extract underlying rules and principles that inhere in the viewed examples (Zimmerman and Rosenthal, 1974). A child who by chance sees more than one of the commercials in question may observe that various wild berries are edible, that parts of trees are edible, and that even parts of cattails are edible. It would not be a difficult step for her or him to extract the general rule that parts of many wild-growing plants are good for consumption.

All of these considerations led to the conclusion that the commercials could indeed influence a child to mistakenly or intentionally eat wild and/or unknown plants that are, in fact, harmful to the human organism. At this point, the decision was made to conduct an initial evaluation of the commercials that would increase or decrease our confidence in this conclusion.

The test devised consisted of showing the set of four advertisements to children and obtaining a measure, both before and after the viewing, of their beliefs about the edibility of a variety of plants. Specifically, the youngsters were shown color, professional photographs of plants and were asked to indicate whether each plant was good or bad to eat. Their opinions were reflected by their choosing numbers on a scale from 1 to 10, with 1 being "very bad" to eat and 10 being "very good" to eat. We reasoned that an increase on this scale from the pretest to the posttest would indicate an increase in the probability of a child's tasting or eating certain plants. Thirteen children have been tested in this manner, boys and girls ranging from 5 to 11 years of age with an average age of 6 years.

In examining the results of the test, it is helpful to describe the plant pictures that children rated. Some were of common foodstuffs or edibles, such as corn, carrots, watermelon, and blackberries, that are easily recognized. The remainder depicted plants that are not as easily recognized and are not usual foodstuffs, such as the yew, willow, dogwood, barberry, and pine. Among the latter group were three pictures that very closely resembled the plants shown in the commercials: two were of pine trees and one of the Japanese barberry that has red berries. In all the pictures, the fruit and flower parts of the plants were shown clearly.

We analyzed the results of the evaluation in terms of the above-described break-down. We anticipated a negligible or small change in the ratings of the edible plants. Judgments of foodstuffs, it was reasoned, were likely to be high on the pretest and would be stable responses based on the concrete experience children have had with the foods. On the other hand, exposure to the commercials could result in greater increase in judgment of the less familiar non-edibles as "good" to eat. We were also interested in comparing the non-edibles that very closely resembled the plants appearing in the advertisements with the remainder that less closely resembled them. Such a comparison might provide greater understanding of the possible influence of the commercials.

The expectation concerning edibles vs. non-edibles was borne out. The ratings of edibles (Group I) increased the least amount, an average of .16 units on the 10 point scale. The ratings of all non-edibles increased an average of .94 units. Statistically, the odds are less than 1 chance in 10 that this result would appear by chance ($t=1.43$, $p<.10$, one-tailed). It appears that children made their decisions discriminately and that the impact of the commercials was greater on the judgment of plants that are less familiar and potentially more likely to be harmful.

More important for our central question, however, is the fact that ratings of the three non-edibles that very closely resembled the commercials' plants (Group III) increased much more than ratings for the remaining non-edibles (Group II), an average of 1.84 compared to .58 units. This suggests learning specifically from the advertisements.[1] In the case of the pine trees, the increased judgment seems to counter a commonly held impression that such trees are, in fact, not edible. With regard to the barberry, the increased rating suggests a generalization from the wild red berries in the advertisements to wild, red, unknown berries. The results of the comparisons among Groups I, II, and III are shown in Figure 3A. [See p. 326.]

In order to further explore the results, we dichotomized Group II non-edibles plants that grow any kind of berry-like product (although none had *red* berries), and plants that grow no berries. We then examined children's judgment of how good or bad the two categories were to eat. As Figure 3B indicates, ratings of the berry growing plants increased by .93 units, while ratings of the plants with no berries actually decreased slightly; that is, to a very small degree children rated them less good to eat after seeing the commercials. Since the berry plants appear to be more similar to the commercials' plants, this is consistent with what is known about learning in general, the closer the new situation is to the original situation, the stronger the learning effect. Furthermore, though, because berries are so convenient to pick and eat and many are poisonous, it is reasonable to be especially concerned about children's inferring that they are safe to eat.

In interpreting these overall findings from our initial test, caution must be exercised until the research is extended and replicated. Nevertheless, the results do suggest that the cereal commercials have the capacity to lead children to engage in behavior that increases risk to their physical being. In such a situation, the wise alternative for action would be to take steps that preclude placing children at risk.

In fact, the FTC staff investigation that I have briefly outlined has resulted in a tentative agreement between the FTC and the cereal advertisers that applies to all of the advertisers' products. The agreement prohibits representations that a plant is edible in its raw state where (1) the raw plant is described as "wild" and is shown being consumed and where (2) no visual impression is given that the plant was grown for human consumption. The settlement is an implementation of policy concerning unfair and deceptive practices in advertisement.

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[1] Ratings for Group III are statistically different than ratings for Group I ($t=1.75$) and ratings for Group II ($t=1.80$); that is, the odds are about .6 in 10 that either difference would occur by chance alone.

Our view of the role we played in the case, which coincides with the view of Mr. Block, focuses on both the consulting role and the evaluation of the commercials. As consultants we relied on past research to form an opinion of the likelihood of the commercials affecting children in a harmful way. Moreover, discussion of the specific conditions that would increase or decrease the probability of this influence proved helpful to Mr. Block in establishing the guidelines for the settlement. Evaluations of the commercials themselves took us a step beyond expert opinion, to the use of certain research methods and tools to actually assess children's reactions. We would argue that the social scientist, in utilizing special knowledge and research methods, can make a unique contribution to the implementation and formation of social policy. Serious recognition of this potential contribution could result in increased reliance on fact rather on common-sense conjecture as a basis for policy decisions.

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Mr. MACDONALD. Thank you very much. Mr. Liebert.

Would you care to expand just a little bit on your last statement when you say that the responsibility in the code is not being met? By whom is it not being met?

Mr. LIEBERT. Well, it seems to me the code, itself, is, in this case, directing its attention toward advertisers, although by implication presumably it is directing its attention to all broadcasters.

It seems to me clear that both of these sources, the broadcasters and the advertisers, might share responsibility, but share responsibility in such a way that each is entirely responsible for what they offer, be it the creation of a particular announcement or the broadcast of that announcement over our airwaves.

It seems to me, and this is certainly a personal view, that it is unfair to the general public, and especially to the next generation, to dilly-dally and point the finger of responsibility in every direction while children are bombarded with messages that can have an extremely negative effect.

All of those involved in broadcasting to children, directly or indirectly, are, in my judgment, now abdicating an extremely important responsibility and using our public airwaves to do it.

Mr. MACDONALD. Right.

I, personally, could not agree more.

During much of the testimony we have heard—"It goes from Tinker to Evers to Chance"—about research and the need for more of it before we, of the Congress, initiate any legislation which is designed to regulate broadcast advertising now being viewed by children.

Do you agree or disagree with that?

Mr. Liebert. Well, certainly, scientists are as wont as anybody else who may appear here to indicate more research is needed—and it is always needed; but it seems the research we now have in hand, together with the general knowledge we have of the effects of all television on children, is quite sufficient indeed to suggest that much of current practice needs to be curtailed.

When the Food and Drug Administration has concerns about the possible negative effects, the possible poisonous nature, of particular drugs, that potential danger and suggestive evidence is considered quite sufficient to keep that drug from being introduced on the market. I believe the FTC should do the same with potentially dangerous commercials.

In many ways, evidence we have now regarding effects of spot announcements on children is as clear as evidence usually considered sufficient to keep a drug off the market. To wait for absolutely definitive research in all areas before taking any steps seems to me a rather transparent strategy on the part of broadcasters and on the part of advertisers to avoid a responsibility which, by their own code, is inherently theirs.

Mr. Macdonald. I heard some double talk that had me confused during the hearing about the evidence of children's minds being affected differently when they are watching commercials by themselves and then on watching commercials in the presence of their parents. Do you think there is any difference on how it affects the children?

Mr. Liebert. Well, certainly it would be the case that if parents were both physically present in the room and also watching the television and also elected to make comments to their children about the commercials, then the effects of the commercials might be modified.

Mr. Macdonald. Without comments?

Mr. Liebert. Without parental comments? No. It seems most unlikely the mere presence of the mother in the same room with the television set would change very much the impact of the message.

Mr. Macdonald. Dr. Liebert, you and I differ in background to a considerable degree, but we come out with the same conclusion so far, because I couldn't, you know, I didn't know what that was based on.

What do they try to base that on, that if a child is watching something that is potentially dangerous, or, well, I wouldn't say dangerous, since that is too broad a word maybe, but potentially not good for the child, it does not matter whether or not his parent is there or not there, unless the parent makes fun of the ad?

Mr. Liebert. That is right. Indeed, if I might amplify your point, what limited research I am familiar with on the effects of parental presence and the impact of television on children, suggests that the parent who is merely present may be seen by the child as implicitly approving of the television content, in the absence of a parental statement to the contrary.

I am surprised at the conclusion others have suggested to you, and would be eager to learn of the basis for anyone's arguing that the mere presence of a parent would do very much to mitigate the impact of any televised material.

Mr. Macdonald. And another thing I have gotten different answers on from different people, some of whom I place more reliance on than others, is when they answered the question, "Are there some products in your judgment now being shown for the children's market that should not be shown at all?"

Mr. Liebert. I find that a difficult question because it would require a very, very detailed look at all of the products that are being advertised.

It is to me clear that my children—and my boy is 12 and my daughter is 7—are, in fact, deceived by many of the commercials they see. I have personally the palpable evidence of their electing to buy something, but, once they had made the purchase, being extremely discouraged with the product. Still I cannot, with the exception of drug products, myself find a basis for saying absolutely that any particular product ought not be advertised before a child audience.

I have very great concerns, though, about the frequency with which an advertisement is shown and have very great concerns about all kinds of deception, including things that might not meet the legal definition of "deception" for adults, but would clearly have the effect of deceiving children.

As to your particular question, it would be difficult for me to single out a product and say it would be, in my personal judgment, improper for that to be advertised.

Mr. Macdonald. Spoken as a true researcher, you have the gut feeling but you don't have any actual research into the subject?

Mr. Liebert. Yes.

Mr. Macdonald. So, you say that it is very likely but you are not asserting it to be a fact.

Mr. Liebert. Because there has been discussion about research this morning, I would like to add to that there is no question I have heard raised here today that could not be answered, and answered swiftly, by research. It always surprises me, as it has apparently surprised you, that it takes 18 months to plan this and 24 months to plan that and then 2 years more before findings are out.

With limited private resources, we have been able to produce evidence which I hope and trust will stand up under scrutiny of my scientific colleagues. It seems to me if there were, in fact, a dedicated effort, many of the questions you posed could quickly be answered by research—and not at great expense, I think.

Mr. Macdonald. Once again. We had better never play cards; we will be trying to hold out for the same cards, I believe. I believe I see eye to eye with just about everything you said.

Now, my last question is this: How do you define "children"? That has always baffled me. Are children preschoolers? Are they in school; when do they stop being children?

Mr. Liebert. We, who are child psychologists, use the broad category of "children" in two ways, sometimes to refer to youngsters through the age of 12, and sometimes to refer to young people through the age of 20. In other cases, people between the ages of 13 and 20 would be referred to as "adolescents," as, of course, they would outside of the profession.

Preschool schildren, those not yet entered in public school, are in many ways a special class and, unimaginatively, we refer to these years as "early childhood" and thus speak of the "young child." These preschool children are different, because they have not yet had any of the socializing education that the public schools can provide and, as such, I think all evidence suggests they are particularly suggestible when it comes to the kinds of messages we give them. What is more disconcerting, young children, not having entered public school, are particularly likely to misunderstand televised material in ways clearly documented in research and continually coming as a surprise to adults.

"Middle childhood" would extend through the elementary school years and is a period of time when youngsters become more sophisticated; from middle childhood we go to the period commonly referred to as adolescence.

Mr. MACDONALD. I would take it you would provide special protection from harmful types of advertising to the preschool children?

Mr. LIEBERT. I certainly would. I would urge that special protection be provided because the evidence seems to me overwhelming that special protection is needed and precedents abound with respect to other kinds of special protection which societies must offer to the very young child.

Mr. MACDONALD. By that, I did not mean to indicate that all children up to maybe the age of 16 or so should not be protected—15 and 16; they grow up rather quickly these days, but not that they should not be protected, but perhaps they don't need as much protection as the others, or is that an oversimplication?

Mr. LIEBERT. No; I don't think it is an oversimplication at all. Let me share with you, if I may, my personal view on the matter. The critical thing about the message, any message, is how it is received and understood by the person to whom it is transmitted, and sometimes it may be wholly inconsequential what the intention of the message giver is. Everything that really matters is in the message receiver.

There are particular needs for young children, and different needs for older children, in terms of their capacity to process the messages. I would say in that regard, as a psychologist, I am fascinated by the discussion of this morning as to what deception and what unfairness mean. A message is deceptive if it is widely misunderstood by the audience to whom it is transmitted, without regard to whether it would deceive you or me. Similarly, a message is unfair if it tends to lead those who receive it to act in such a way as to jeopardize themselves or society. Certainly, I would view it as unfair and that is quite apart from what the message sender ever intended.

Mr. MACDONALD. What was almost amusing to me is someone charged with the duty of enforcing unfair and deceptive practices didn't know or couldn't say what "unfair practices" in advertising were. Does that mean in your experience there is no such thing in the official views as "unfair advertising"?

Mr. LIEBERT. Well, of course, there is much debate on words and I suppose that lawyers are at least as committed to analyzing words carefully as psychologists are going to be. But at another level we can be quite certain what is unfair and what is misleading; sometimes it glares out so loudly at us we are first horrified before it is clear to us what has happened.

Mr. MACDONALD. "Misleading" does not seem to me to be too difficult.

Mr. LIEBERT. Oh, not at all.

Mr. **Macdonald.** Then lawyers couldn't argue very hard about the difference between "misleading advertising" and "nonmisleading advertising."

What is fair or unfair, as described by the chairman, somebody who is supposed to enforce these rules, and I don't mean anything personal against him by this, it is almost amusing that they are trying to say that they are enforcing something that they don't know exactly what it means.

Mr. **Liebert.** Yes. Perhaps I can offer a single example.

It is possible, in the many, many spot messages we have recorded and analyzed in our research, to make a clear determination as to who the intended audience is; because of the nature of the product, one expects certain sorts of toys are not likely to be bought by an individual over a particular age.

Given that, I have observed the rather interesting tendency to introduce disclaimers in very small print at the end of a commercial that presumably are there to prevent deception. I would imagine that might be the claim made to your committee by others at this table and, yet, if it were obviously from the product that the children for whom the message was intended were under the age at which we could expect them to read, then it may be said, in my judgment, that the message would be deceptive regardless of the fact that someone has printed what is, in fact, for the young child an absolutely meaningless string of small symbols at the bottom of the screen for a moment.

Mr. **Macdonald.** Isn't this also true of a rather careful disclaimer they usually have in most ads for adults, which says, "most doctors," not all doctors, but "most doctors approve of," and "most doctors say that brand X works five seconds faster than Y and Z?

Mr. **Liebert.** Yes. Indeed, they are even more cautious, saying, "most doctors surveyed." I often wonder how they did their survey.

Mr. **Macdonald.** You contributed a good deal here, Doctor, and I have just one last question, and the reason there are not more questions of you is because you answered the questions directly in your testimony and your testimony was direct, and, therefore, it is a pleasure to have a witness whose testimony is not only direct and clear, but whose testimony at the beginning is loud and clear, so to speak.

We have been kicking poor Drano around for a couple of days, and I was wondering whether you had any thoughts or not on a potentially harmful product such as Drano, whether it would lead to a higher incidence of children doing damage or a certain amount of harm to themselves as with other advertised products.

Mr. **Liebert.** Well, it seems to me on the basis of the research we have already conducted that such a possiblility might exist, but I think it is important to add that this would be a clear case where it would be absolutely necessary to learn something of children's reactions to the particular commercial involved before making a judgment.

Certainly, I can imagine advertising the product in question in such a way that children would not only not be attracted to it, but perhaps not attracted to the message that was offered.

Mr. **Macdonald.** Or being repelled by it.

Mr. **Liebert.** Or being repelled by it.

Nonetheless, the potential for harm would certainly exist and regarding what we have heard about effects, I would think it is quite proper and appropriate to raise a concern. If there is something in the commercial to suggest the concern were well-founded, it would be possible and relatively easy—and it seems to be absolutely necessary—to ask through proper research with children in terms of their behavior, rather than their statements, what kind of impact the communication question might have. I believe if there were a suggestion, even a suggestion of modest strength, that such an effect were there, such a finding should be quite sufficient to recommend that that particular message be removed from public airways.

Mr. Macdonald. I said that was the last question, but I now have two others that enter my mind. Both of them are short, but both go to the same point. You partially answered one.

Is there any reason, rational reason, that enters your mind that an agency such as the Federal Trade Commission, as big as it is, wouldn't have a child psychologist or a group, not groups, but two or three people, able to do exactly the kind of thing that you have done and which you are doing here today?

Mr. Liebert. I confess that it would have seemed to me obvious that such an agency either must have its own research staff, particularly inasmuch as the Federal Trade Commission is expected to be responsible to the public for children's advertising on television, or at least have consultants available.

In the investigation we performed for Mr. Block, he indicated to us that, in fact, there would be no funds of any kind available from the Federal Trade Commission, so I elected to have that study done through the general funds, which are very limited, indeed, of our research organization. So, yes; I am surprised.

It would have seemed to me appropriate that research be possible through the auspicies of the Federal Trade Commission to answer its questions, and I certainly would suggest as a rather obvious step, if we are to take any aspect of this very serious inquiry to heart, that the needed research effort be undertaken immediately and pursued vigorously.

Mr. Macdonald. Thank you very much, Doctor.

Thank you, again, very much, indeed. We enjoyed your testimony.

[The following correspondence was received for the record:]

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
INTERSTATE AND FOREIGN COMMERCE COMMITTEE
Washington, D.C., July 21, 1975.

Dr. Robert M. Liebert,
Director, Media Action Research Center,
East Setawket, N.Y.

Dear Dr. Liebert: I am sorry that I could not be present for your entire testimony last Wednesday. The energy bill was being debated on the House floor and since I have played an active role in that legislation, I felt my first commitment was to be on the floor. I have, however, read your statement and would like to thank you for your testimony as I feel it contributes a great deal to our subcommittee's understanding of the effects of television on children.

To complete our inquiry, it would be helpful to me and the other members of the subcommittee if you could provide answers to a few additional questions. Chairman Macdonald has advised me that the hearing record will be kept open until August 4, so if you could submit your response to me by that date, I would be most appreciative.

1. Has sufficient research been done concerning the effects of advertising on the socialization and motivation of children?

2. Has sufficient research been done about children's perception of and reaction to advertising messages?

3. Has sufficient research been done regarding possible correlations between advertisements of hazardous products and self-injury of children?

4. If your answers to any of the above questions are in the affirmative, could you provide the subcommittee with a bibliography of the studies which you feel provide satisfactory answers to these questions. If your answers are in the negative, could you indicate what research you feel needs to be done, how difficult it would be to do, and who, in your opinion, is best qualified to do it?

5. Additionally, could you provide the subcommittee with a list of what you consider to be the most authoritative studies concerning the effects of advertising on children?

Again, many thanks for your contribution to these hearings and, more importantly, for your contribution to public awareness and understanding of the impact of televised violence and of advertising content on children.

With best wishes,

Sincerely yours,

TIMOTHY E. WIRTH,
Member of Congress.

STATE UNIVERSITY OF NEW YORK,
Stony Brook, N.Y., July 30, 1975.

Hon. TIMOTHY E. WIRTH,
Cannon House Office Building,
Washington, D.C.

DEAR MR. WIRTH: Thank you for your letter of 21 July and, more particularly, for your deep concern with the possible effects of television on children. I shall try in this letter to answer the questions you raised.

1. Sufficient research has *not* been done concerning the socializing effects of television advertising on children. Indeed, with the exception of limited but promising research by Dr. Scott Ward and his associates on children's attention to and perception of the primary messages of commercials (i.e., those relating to the attributes of the products), I know of almost no work other than our own efforts as reported to the Subcommittee.

2. Sufficient work has *not* been done on children's perception of and reactions to advertising messages. Again, Dr. Ward's previous and ongoing work can be cited, but investigations from other laboratories and using other methods are badly needed before we can even begin to detail the impact of the hundreds of product commercials which virtually all American children view every week.

3. Sufficient work has *not* been done regarding correlations between advertisements of hazardous products (*or* advertisements that incidentally display actions which it is hazardous to imitate) and the likelihood that a child will act in ways that may lead to self-injury. The only study of which I am aware is the one described in my testimony. Our results were fairly clear with respect to the messages tested, and are highly suggestive regarding the possibility that other commercials have the capacity to produce similar effects. Inasmuch as we are speaking here of the safety ,and in some cases perhaps the survival, of young children who may be jeopardized by messages coming into their homes over public airwaves, further research is badly needed and, in my view, should be given the highest possible priority.

4. *a.* In my view, two kinds of research are required. First, careful investigations of the way in which children process brief televised messages are needed, including studies of their perception, comprehension and recall of both the central and peripheral aspects of spot announcements. Such "basic" research can provide a set of general principles that would allow broadcasters, advertisers and government agencies to anticipate, to a degree, which messages might have undesirable effects before they are aired. Second, specific research should be undertaken, now, on those particular messages presently on the air which seem questionable in view of the evidence we already have in hand.

b. Who might undertake this work? Certainly Dr. Ward is an obvious choice; I understand that his efforts are continuing. The Children's Television Workshop has been a leader in researching the effects of short messages, and it would be valuable to urge them to broaden their efforts in the direction of messages other than those produced by CTW. And finally, my colleagues and I have a strong and continuing interest in all these issues and have developed methods we feel are useful and valid.

c. How difficult is this research to do? That is not an easy question, but I would say that, given the proper facilities, sufficient personal commitment on the part of the principal investigators, and adequate (not necessarily lavish) funding, the needed research would be no more difficult than other problems which have been successfully dealt with in the past by social scientists.

5. I have mentioned in passing most of the investigations with which I am familiar, and can suggest no further entries other than those listed in the "References" sections of my testimony.

Thank you again for your own interest in these vital matters. If any further questions arise, please feel free to call on me at any time.

Sincerely yours,

ROBERT M. LIEBERT, Ph.D,
Professor of Psychology and Psychiatry.

Mr. MACDONALD. Our next witness is Aaron Locker, representing the toy manufacturers.

STATEMENT OF AARON LOCKER, COUNSEL, TOY MANUFACTURERS OF AMERICA

Mr. LOCKER. Mr. Macdonald, thank you for the opportunity of being here. I think the record should note that one group of advertisers has appeared before this committee and have done so voluntarily, having sought the permission of the committee to make this statement.

Mr. MACDONALD. Which group?

Mr. LOCKER. Toy Manufacturers of America.

Mr. MACDONALD. I am talking about advertisers themselves. Do you advertise?

Mr. LOCKER. No, but our individual members do.

Mr. MACDONALD. You are a trade association?

Mr. LOCKER. Yes, we are a trade association, and accompanying me are individual members who do advertising on television and I will identify them later.

Mr. MACDONALD. Do you think they will have anything to contribute to the hearing and, if they do, I would be delighted to ask them depending on the products they make.

Mr. LOCKER. They make toys, simply toys, and if you have questions they will be delighted to respond.

Mr. MACDONALD. Well, since you are speaking for the toy trade association, I guess, I doubt if you need any help.

Please go ahead.

Mr. LOCKER. A word about the Toy Manufacturers of America. It is a trade association of domestic toy and decorations manufacturers whose members account for approximately 85 percent of the industry's annual volume in the United States of about $3 billion at the wholesale level.

As I indicated initially, accompanying me today, and in the audience, are representatives of our industry, the following toy company executives: Mr. Spencer Boise, vice president of Mattel Toys; Mr. Abe Kent, vice president of the Ideal Toy Corp.; Mr. John Payson, vice president of Milton Bradley Co.; and Mr. Hugh Keiser, of the Kenner Products Division of General Mills Fun Group, Inc.

Since its founding in 1916, TMA has come to be recognized by the Government, the trade, the press, and consumer organizations as the preeminent source for authoritative information about the toy industry and its products.

According to Department of Commerce figures for 1972, there were at that time about 927 toy, doll, game, and children's vehicle manufacturers in the United States. These companies employed some 73,000 persons, of whom about 58,000 were engaged in direct production labor. Several hundred thousand additional people are involved in the wholesaling and retailing of toys.

Our industry's widely diversified merchandise assortment is composed of about 155,000 different, branded items variously made of plastic, wood, metal, paperboard, cloth, and other material purchased from hundreds of large and small suppliers.

As you can deduce from such numbers—927 manufacturers, 155,000 different products—ours is an extraordinary competitive industry. One with a distinct lack of concentration. I might add; the dozen or so largest concerns, combined, continued to account for a minority of the industry's annual sales.

Dollar, production, and employment totals are, of course, but one measure of our industry's contribution to the Nation's economy. Of greater significance in the minds of most people—parents and child psychology experts alike—is the contribution we make to the children in our society. The enjoyment and learning values that wisely selected toys hold for our youngsters are unquestioned. And we all recognize that a secondary, but clearly important, value in toys lies in the opportunity they provide for parents, grandparents, other relatives and friends to present evidence of their love and affection to the child.

Now that I've given you what I hope is a clear profile of our industry and its product, I would like to turn to what I understand to be the primary concern of this subcommittee, or at least of the concerns, the extent, and seriousness of the toy industry's commitment to effective self-regulation in the advertising of its products. In this case I speak solely with reference to the industry I represent, the toy manufacturers.

First, I would like to remind you that toy advertisers are a uniquely experienced group in this area and very much aware of their responsibility to provide honest, accurate, and, if I may use the term bandied about this morning, fair advertising of their products.

Since 1961, and I would again emphasize that date because it antedates by well over a decade the efforts which have been brought to the attention of this committee and other regulatory agencies of the Government as well as the Senate, to achieve some sort of broader and more basic regulation of advertising to children.

Since 1961, the toy industry, in collaboration with the code authority of the National Association of Broadcasters, has been producing television commercials in accord with the strictest and most severe guidelines confronting any industry in the entire general merchandise field. Here are a few examples of the restrictions that are applied to toy advertising.

I might add in this connection, these restrictions are applied by the code authority staff, or NAB staff, prior to advertising appearing on television. They are applied to no other industry in such a way. Our position in this respect, the preclearance respect, is unique. Certainly it is unique in the comprehensiveness with which these restrictions apply:

1, No fantasy; 2, no animation; 3, no endorsements; 4, no puffery; 5, no overglamorization; 6, no frightening situations; 7, no exaggeration; 8, no asking parents to buy; 9, no fast cuts moving from scene to scene; 10, no slow motion in presentation of the product or in the commercials; 11, no speeding up or the converse; 12, no comparatives in the broadcasting message; 13, no superlatives in the message; 14, no camera distortion; 15, no dazzling visual effects; 16, no volume augmentation; 17, no attention-getting devices; 18, no real-life counterparts; 19, no special lighting; 20, no unusual props; 21, no costumes; 22, no irritating techniques; 23, no special lenses to portray special effects; 24, no stock footage during the last two-thirds of commercials; 25, no trick camera angles; 26, no heroic shots; 27, no super imposition, except batteries not included.

We were not content with the comprehensive preclearance code developed in conjunction with the National Association of Broadcasters. The TMA and toy manufacturers who advertised their products on television played a key role in the development of the childrens television advertising guidelines, which were adopted by the Association of National Advertisers in May of 1972. This represents the most comprehensive effort on the part of the industry to self-regulate all advertising directed to children. I would like to read for a moment the preamble of the code to illustrate the philosophy under which toy manufacturers advertise today.

Advertising directed to children, for products and services which are used or consumed by children, is appropriate in a society and economy such as ours.

Such advertising serves to bring information to children and helps prepare them for maturity. Advertising to children is also the economic base for children's programing with all of its potential for education and entertainment. Without such advertising, continued and improved children's programing would be jeopardized.

At the same time, children are a unique audience as they are in their most formative development period, may be more easily influenced than are adults, and because of their limited experience, are not fully equipped to make comparative judgments.

Heretofore, parents, school, and church have been the primary guiding forces in shaping values and judgments. However, the amount of time spent with TV today adds it as a fourth major influence. Special responsibilities are therefore placed upon advertisers and broadcasters to deal protectively with children, to help them better understand the world and how to live in it, and to respect and complement the parental role.

These guidelines, recognizing the uniqueness of the children's audience, are designed to assist advertisers in the preparation of advertising that fulfills the special standards that are desirable in advertising to children.

Subsequent to the issuance of the ANA's Children's Advertising Guidelines, in which TMA had no small measure of participation, the national advertising division of the Council of Better Business Bureaus, Inc., formed a children's review unit. This group, which monitors on-the-air toy commercials and print advertising as well, which is directed to children, issued last month an additional set of children's advertising guidelines. These, as do the NAB code authority preclearance guidelines, have our support, in spite of the fact that their existence adds as yet new dimensions to the uniqueness of the toy industry's role as an advertiser: We are now not only the most heavily regulated general merchandise industry from the standpoint of intelligent advertising, but are, in addition, the only such industry whose TV commercials are subject to preclearance and postclearance by two different organizations with two different sets of standards.

In looking to the future of self-regulation and the improvement of the system, we have not been content to deal with the private sector, we are on record with the NAB, the NAD, and the Federal Trade Commission, having sought an audience and received it, I might add, with the Chairman of the Federal Trade Commission, with the following proposals.

Mr. MACDONALD. An audience?

Mr. LOCKER. Yes, we had a meeting with Chairman Engman within the past year or about a year ago in which we made an affirmative presentation to the Chairman for a program for all advertising to children. It consists of four points.

Mr. MACDONALD. This is the second round for another vote and we will recess for 10 minutes.

[Brief recess.]

Mr. MACDONALD. The hearing will resume.

Mr. Locker, is there any way that you might be able to sort of hit the highpoints of this. I will tell you why. It is late and this is not your fault that it is late and it is not my fault either as far as that goes.

Mr. LOCKER. Mr. Macdonald, I will conclude in 5 minutes; is that satisfactory?

Mr. MACDONALD. Sure. I want to give you time, and your whole statement will go in as if read to become part of the permanent record and then I have a few questions that I might ask you.

Mr. LOCKER. Yes, surely.

As I was about to state, that the Toy Manufacturers of America looking to the future of self-regulation and the improvement of the advertising system, as we know it today, has not been content to let matters rest with the NAB and the NAD, but we are on record, though, with Mr. Wasilewski of the National Association of Broadcasters, and with the National Advertising Division of the Council of Better Business Bureaus, and the Federal Trade Commission, in favor of a four-point comprehensive program which would apply to all children's advertising.

(*a*) All children's television commercials shall be governed by a single definitive set of guidelines and interpretations consistent with the children's television advertising statement of principles of the National Association of Broadcasters Code Authority. Now I make reference to all children's advertising, not just toy advertising.

(*b*) Television broadcasters shall confirm compliance with this set of guidelines on the part of commercials and interpretations prior to airing of the commercial.

(*c*) The National Advertising Review Board and the National Association of Broadcasters shall be encouraged to coordinate review procedures in order to facilitate effective review of children's television advertising by the National Advertising Review Board/National Advertising Division.

(*d*) The uniform compilation of guidelines and interpretations consistent with children's television advertising statement of principles of the National Association of Broadcasters Code Authority shall be developed and from time to time amended by joint agreement between the representatives of the advertisers and broadcasters to achieve true voluntary self-regulation.

Now, we have not overlooked the consumers in this process.

This program we feel established procedures which, for the first time, would give the public, the broadcasters, and the advertisers an opportunity to exercise their legimitate concerns in a common effort aimed at development of the best possible children's television advertising; The public through the method established by which television viewers can call for review of specific commercials by the National Advertising Review Board, and through representation by impartial experts who are consultants to the NARB; the broadcasters through their organization, the National Association of Broadcasters; and the advertisers through their creation of the commercials and their cooperation in the formulation of a code, the guidelines, and interpretations.

We believe this kind of self-regulatory program can work, and work well, to the benefit of all concerned—children, toy-buying parents, broadcasters, and toy manufacturers. And while this forum does not afford the time in which to argue all of the issues involved, let me conclude with one comment, if I may, and it is a major one, on the matter of cost.

There has been little or no attention paid by critics to the benefits that proceed from our industry's advertising and merchandising system, and to the increased costs to the consumer that would inevitably occur, we feel, if toy advertising were limited or unduly restrained or proscribed should toy advertising be eliminated or unduly proscribed.

Toys are advertised on television to the consumer—to the child and his parents. This creates awareness on the part of child and parent and provides them with choices.

The mass merchants—chain, discount, variety, and department stores—who sell the overwhelming bulk of the toys in this country take advantage of the advertising-created awareness by featuring the TV toys in their newspaper price ads. The more attractive his price, the more likely the merchant is to draw the top-shopping parent into his store.

The outcome of this system, it has been our experience, is a narrow spread between the manufacturer's price to the store and the ultimate cost of the toy to the consumer. The Marketing Sciences Institute of Harvard University has quantified these relationships in studies of marketing productivity. The evidence is powerful. Before television advertising of toys, in the mid-1950's, the distribution markup was 100 percent; that is, the price paid by the consumer was about double the price paid by the retailer to the manufacturer. Today, that 100-percent markup has shrunk to about 36 percent. To put it another way, the toy that a manufacturer sold to the trade 20 years ago for $3 cost the consumer $5.98. Today, it cost him only $4 or so because of this unique TV/mass merchandising/price-feature system.

The system we believe, however, is integrated, and to remove or unreasonably constrain any one of its elements cancels out the economic benefits it offers. For example, in the United Kingdom, toys are advertised on television, but there are no mass merchants and no price-promotion advertising in the newspapers. Thus, the typical markup on toys is the old-fashioned 100 percent.

In France, meanwhile, although mass merchants are present on the retail scene, their newspaper price ads do not, in the absence of toy advertising on TV, feature toys. As a result, the French consumer, in common with the English consumer, is typically charged the full 100-percent markup.

The lesson, clearly, is that the TV advertising/mass/merchandising/price-feature system can only be dismantled at considerable cost to the consumer, and critics of the system should be asked to weigh their proposals in light of that cost factor. Of course, these considerations deal with a total restraint on advertising; not the reasonable regulation of it.

That concludes, Mr. Chairman, the oral portion of TMA's statement to this subcommittee. You have the text of what I've had to say, plus an attachment which deals with other questions that have been raised from time concerning our industry's use of television and the consequent effect on viewers, children in particular.

I would be happy to answer any questions you may have.

[The attachment to Mr. Locker's statement follows:]

ATTACHMENT TO THE STATEMENT PRESENTED ON BEHALF OF TOY MANUFACTURERS OF AMERICA, INC., ON JULY 16, 1975, BEFORE THE COMMUNICATIONS SUBCOMMITTEE OF THE HOUSE INTERSTATE AND FOREIGN COMMERCE COMMITTEE

Question 1. What are the television viewing habits of children?

A. C. Nielsen's most recent study of children's television viewing habits shows that youngsters aged 2-11 watch TV slightly more than 23 hours per week, compared with the adults' 25½ viewing hours. Prime time hours (7:30 to 11 P.M. daily) are the periods when children's viewing is heaviest. In terms of programs and advertising, this is the period of *adult* or *all-family* shows, with accompanying commercials intended for these audiences.

By way of contrast, children's shows on network TV are concentrated in the Saturday and Sunday 8 A.M.–1 P.M. period, during which time children 2–11 do slightly less than 13% of their total viewing.

Thus, with about 87% of children's viewing time *away from* the Saturday and Sunday morning kids' shows, any notion of insulating children from advertising is wishful, impractical and—in fact—impossible.

It is also the case, contrary to popular impression, that Saturday and Sunday mornings are *not* the periods most favored by toy advertisers. Only 34% of their TV advertising dollars are alloted to those periods. Sixty-six per cent is spent on weekdays and weekday evenings.

Question 2. Why does the toy industry advertise to children on television?

It does so because television is the most effective way of communicating with children. It is the only medium that provides for product demonstration, which gives the child as complete an opportunity as possible to evaluate the item.

This is becoming increasingly important as service and demonstration disappear in retailing. In the 1940's and 50's most toys were sold in department stores and toy stores, where service and demonstration were available to the parent. Since then, however, the revolution in retailing has moved the majority of toy sales into discounters, catalog stores, and chains—self-service, mass merchandising outlets that cannot provide service and help in selection.

Moreover, and very important, television is the only medium which permits the toy industry to successfully cope with the extraordinary seasonal skew in sales that is peculiar to the industry. It is estimated that close to 60% of toy-retail-dollar volume is accomplished each year in an approximate 30-day period—from Thanksgiving to Christmas. No medium, other than television, can affordably reach enough children and adults in the time available to fill the product information needs of the public in the pre-Christmas Season.

Question 3. Can children discriminate in their response to television commercials?

Yes. Those who have studied the subject indicate clearly that children are capable of discriminating as they view television commercials. They know what they want and why they want it; and television gives them a clear opportunity for choice.

Prof. William Wells of the University of Chicago has studied various aspects of communication with children, both as research subjects and as the audience to commercials. Wells suggests that it is more accurate to refer to a child's acceptance of a commercial as "not scorned" or "not rejected" rather than "believed", which bears out the fact that children have the ability to discriminate among the various communications messages they perceive. ("Communicating with Children" Journal of Advertising Research Vo. 5 No. 2, 1965, pp. 2–14)

Scott Ward, of the Marketing Science Institute, in a study supported by the National Institute of Mental Health, makes this point—that children, in general, are discriminating in their response to television commercials. He points out, of course, that this varies by age, existing hardly at all among the very young for the reason that they cannot distinguish clearly between program and commercial. At the same time, the very young are seldom if ever involved with purchases. They must depend ultimately on the judgment of the parent.

For the most part, we have simply confirmed through our own experience what wise humans have always known: children are a great deal smarter than many adults realize. But we have also learned that, in connection with our merchandise and our advertising, children are often less gullible and more perceptive than grown-ups. For one thing, they become much more involved with a toy commercial than their mothers do with a commercial featuring, say, a detergent. As a result, they are quick to spot what appears to them to be a toy that holds no interest to them.

Our own experience confirms the opinion of the researchers. There is no firm among us, from the largest on down, which has not had failures with TV-promoted items. A few examples: Hip Flip, a game, was introduced with $399,200 of spot television advertising support in 60 markets. Initial sell-in to the trade was good but the consumer did not respond. Sales a year later amounted to only $51,000 and advertising was withdrawn. "My books that Talk"—the advertiser spent a total of $168,300 in its first year—two-thirds in local and one-third in network TV. Despite this, sales dwindled to only $128,000 two years later, and advertising ceased. ESP, a new game, gave every promise of being a sure winner. Over 1,000,000 pieces sold into the trade and a total of $200,000 was spent in television advertising. But, competition from similar type games proved unexpectedly keen. The result: ESP didn't survive beyond a second year. Tog'l, a construction toy was tested in a number of developmental stages among both children and their parents. It appeared to have great potential upon introduction. In its first year, $600,000 (including production) was spent in advertising, mostly in Saturday morning television. But, results were disappointing. Despite that, an additional $475,000 was spent the following year in support of line extensions. Success was equally lacking and subsequently the item was dropped from consideration.

Another company has a similar story to tell about a drawing toy called Mr. Rembrandt, a highly regarded and heavily promoted TV item.

Such experiences are common year after year. What happens is that even with the most painstaking efforts in development and manufacturing, even with the most meticulous study of the results of research and testing, even with commercials that are noteworthy for charm and wit and winsomeness, there appear every year many new toys that children greet with yawns. Advertising to children via television certainly provides no assurance of a sale.

Question 4. Is television advertising harmful to children?

According to expert scientific opinion, toy commercials have few effects, if any, either helpful or harmful, on the mental health or emotional development of the viewing child. Further, the right kind of advertising can add some positive values to viewing. Children, like adults, enjoy good TV commercials. To be sure, there are commercials they dislike, and others they hate, but many they find interesting, and highly engaging. They develop favorites, and consider many of them delightful, irrespective of whether or not they wish to buy the product featured. Also, they often learn from them, which is why Sesame Street borrows so heavily from commercial TV in devising its learning messages, which attempt to teach children the alphabet, or to count.

Scott Ward's research strongly suggests that at least among children age five and over (pre-schoolers were not covered in the sample) no significant negative effects occur.

Dr. Ner Littner, Director of the Extension Division and of the Child Therapy Training Program, Chicago Institute for Psychoanalysis, conducted diagnostic and therapeutic work with both normal and disturbed children for over 20 years. He states:

"We must recognize that, if there are any harmful effects at all on children from watching TV advertising, their traumatic impact is like that of being stamped on by a fly as opposed to being trampled on by an elephant when contrasted with the effects of possible harmful handling by their parents." (Television Advertising and Its Psychological Affects on Children—1971.)

Another study by Lloyd Warner, William Henry, Harriet Bruce Moore and Eliot Friedson—among the foremost social and child psychologists—points out that children's attitudes toward commercials are different from the established beliefs of adults. They are more open-minded, more attracted to them. In fact, small children often have as much interest and warmth for the commercial as for the show. (Television and Children Chicago Science Research, Inc., 1954)

These findings are consistent with our observations. In all fairness to child viewers, however, we believe that no final judgments should be made until additional studies can be conducted (in enough depth and under a variety of environments) so as to build a substantive and definitive body of knowledge on this subject.

Question 5. Does toy advertising usurp the parents' role in the selection of their children's toys?

We do not think so. Clearly, parents are the most significant influence in a child's life. This is not merely a question of discipline; it involves parental consideration of children's requests, and a thoughtful response which can help the child grow up in today's world.

A college text (Development Psychology Today) states that parents are the single most important determiner of the child's attitudes toward the world around him, followed by siblings, peers, relatives, teachers, religious leaders and finally heroes or heroines the child reads about, hears about or watches on television.

However, when parents are asked to draw up a list of important influences, they often put such minor sources as television on top of the list. Previous generations have blamed radio, comic books, pulp magazines and dime novels. These days, the tube bears the brunt of the projected blame.

We're not advocating training parents to deny their children's requests but we want to point out that some experts in the field say that they need not fear that task. Dr. Ner Littner, Director of the Extension Division, and of the Child Therapy Training Program, Chicago Institute for Psychoanalysis says: "It must be recognized that not all parents buy items advertised on TV just because they are pressured by their children. Parents do have a choice. When a parent fails to make a choice that is based on his judgment of what is right for the child, then the issue is not the impact of the TV advertising on the child. Rather, the issue is to be found in this question: "Why are parents being ineffective in this crucial area?" As we see it the discussions children have with their parents about product purchases as a result of exposure to advertising actually contribute to the maturing process.

This process of growing up, and making decisions in the world around them, can sometimes be a long and painful experience. Yet learning the criteria for selecting products, for understanding the value of money, anad determining appropriate standards can contribute to the development of a young person's character—especially when the parent exercises his responsibility to say "NO" and explains the reasons for his decision.

Question 6. What would happen to children's television programs if commercial sponsorship were to cease or decline?

Programs of particular interest to children on commercial television would be dramatically reduced, if not eliminated.

The reason for this is that television—like radio, magazines, newspapers, and other communications media—depends on advertising revenue to finance program development, production, facilities and talent. Certainly reduction or elimination of commercial sponsorship would seriously curtail the opportunities for better programming on children's television in the future.

Mr. MACDONALD. Thank you, Mr. Locker. In 6 minutes I will be happy to ask you some questions that I do have.

[Brief recess.]

Mr. Macdonald. Your addition, your attachments, do they include studies?

Mr. Locker. No; my attachments include common questions that have been asked about the effects of advertising and answers to it. I believe we have referenced in that in the first question, Nielsen's recent study of viewing habits of children, but we have not appended to it a copy of the Nielsen study. We have indicated variances between what is commonly regarded as children's time and the extraordinary numbers of children who watch during what is known as prime time or family time.

Mr. Macdonald. One of the things that interests me very much, because it seems to follow the effects of all other kinds of advertising, is that you say your research indicates that this induces them to buy toys.

Mr. Locker. Yes, sir.

Mr. Macdonald. Having said that, they use the tack that advertising costs added onto the product in turn is picked up by the consumer?

Mr. Locker. I think it is a simplistic view. Of course, if you are going to advertise, the cost of the advertising somehow works its way into the price, but, and this is the effect, and I can concede that, but let me tell you the other effect of the mass American advertising of toys via the TV window. It is the mass, the tremendous production through the national availability, availability at the national audience level of toys with a concomitant reduction in price. As a matter of fact, it goes beyond that, because the toys which are promoted on the TV in our experience, are selected as loss leaders by the stores and are frequently sold, often for less than the store purchases the item for. This is not uncommon.

Mr. Macdonald. The loss leaders are forbidden in many States.

Mr. Locker. That is true, and that is a practice that is honored in the breach rather than the observance, I would say, at least in my experience.

Mr. Macdonald. Do you think, to use your words——

First, how many members do you have?

Mr. Locker. We have about 260 accounting for 85 percent of the dollar volume of the industry, approximately $3 billion at the wholesale level. All of our members, or all of the toy advertisers are members of our association, television advertisers of toys.

Mr. Macdonald. And do you think that the code that you have is honored more in the breach than in the observance?

Mr. Locker. Quite the contrary, because it is not the TMA that enforces this code. It is the representatives of the broadcasters themselves who would pre-clear the commercial at several stages in the making of the commercial. It is not just a final commercial which is viewed. It is the script, the storyboard, the various stages before filming actually begins, so there is a continuous clearance process before the commercial is put into that can.

Mr. Macdonald. You are talking now about national advertising?

Mr. Locker. Yes; and I think what you are driving at is the fact that this is network, an NAB administered code, but you must understand something else. The toy manufacturers of America do not make two commercials of a product, one for national, or one for network reception and one for local or noncode authority stations. We can only make one. The economies of TV advertising are quite expensive. We make one and it is one which complies with the code authority and the NAB guidelines.

Mr. MACDONALD. Well, do all of your 267 members sell nationally?

Mr. LOCKER. We are in national industry. We are a national industry. I would doubt that any one of our members has regional sales. We all endeavor to sell nationally, yes, sir.

Mr. MACDONALD. "National," you are talking about 50 States?

Mr. LOCKER. Fifty States. You know there has been a revolution in American advertising of toys in the last two decades, which has led to the use of the TV medium. If you think back, and I think you can, you are a little older than I am, you remember there were local toy stores around, mom and dad stores. Those have disappeared and they have been replaced with the discount, the mass merchandiser, the nondemonstration type of toy store with row upon row of tightly wrapped packages which do not afford the consumer at the point of purchase with an opportunity to see what he is buying.

The TV medium gives that opportunity to many consumers in that it demonstrates in a factual and honest and fair way the operation of the toy.

Mr. MACDONALD. Yes, but we are talking about apples and oranges now. I am asking if all of your 267 members live up to this code of yours?

Mr. LOCKER. Those who advertise on television, to my knowledge, and I have excellent knowledge of the industry, do, and I would emphasize that this is not something which we enforce upon our membership, but it is done by still another group, the code authority, and still again I would emphasize that even after this preclearance process, which is very involved and very costly, we are subject now to postclearance review by the children's advertising division of the NAD.

Mr. MACDONALD. "NAD" being what?

Mr. LOCKER. National Advertising Division of the Council of Better Business Bureaus. I believe Mrs. Emilie Griffin or Steve Campbell testified earlier on the activities of the Council of Better Business Bureaus and it is their organization, known as NAD, National Advertising Division of the National Advertising Review Board.

Mr. MACDONALD. What puzzles me is that if none of the provisions of your code have been broken, and if your code is as tough as you say it is, why did the NAB think it necessary to come out with a new and tougher code?

Mr. LOCKER. For us, Mr. Chairman, the code is not new and tougher. It has been a continually evolving code which existed since 1961.

Mr. MACDONALD. I am now talking about the NAB Code which has been the subject of much discussion here.

Mr. LOCKER. Yes, we had the code and, uniquely so, since 1961. It is not new as far as we are concerned.

Mr. MACDONALD. They took their new code from your old code?

Mr. LOCKER. They took portions of it and extended it to other advertising.

Mr. MACDONALD. What portion didn't they take, which portions are tougher or weaker?

Mr. LOCKER. Let me give you an example. That is why we urged there be a single comprehensive code which applies to all advertising of children's products. Let me give you an obvious example. We cannot use animation in the preparation of our commercials. Other advertisers to children can.

Why? We asked why does this dichotomy exist? If animation is unfair in the presentation of a toy commercial, why is it not equally unfair in the presentation of another kind of commercial or, conversely if it is fair in one commercial, why is it unfair in toy commercials.

Mr. MACDONALD. As you went through what your code prohibits, 1 through 27, unless you and I are watching different television, I don't have all of those—you are either a gambling man or you have done a lot of research about my age, but I take that as fact as to my age.

Mr. LOCKER. I am a gambling man.

Mr. MACDONALD. You are not betting on a sure shot in any sense.

Mr. LOCKER. Well, I look much older than I am.

Mr. MACDONALD. But I do, too, I guess, if you say that. But in any event, you go 1 through 27, no fantasy, no animation, no endorsement, no puffery. Maybe you and I have a different definition of "puffery." What is your definition of "puffery"?

Mr. LOCKER. Well, an exaggerated presentation of the attributes of the product or its worth or its desirability or its value.

Mr. MACDONALD. And you think that there are no toys advertised that are 75 percent puffery and 25 percent true?

Mr. LOCKER. We are talking now about the advertising of the product. I believe so, sir.

Mr. MACDONALD. Well——

Mr. LOCKER. If any come to mind, I would like to know about it. Certainly, the reviewing personnel of the Code Authority and the National Association of Broadcasters will bring it to our attention if they feel we are making an exaggerated claim because it violates the guidelines.

Mr. MACDONALD. If you make too much.

Mr. LOCKER. That is right. Television does not allow puffiness. That, of course, is a subjective determination, but animation and fantasy are not. They are more objectively determined.

Mr. MACDONALD. Twenty-six and 27. I have 24 of these to go, if I go through all of them, no overglamoring—well, Barbie Dolls, they are not over-glamorized?

Mr. LOCKER. Are you talking about advertising or the product now? We don't think the advertising is overglamorized. The people may share different views as to value of the product, but we don't think the product is advertised that way.

Let me tell you in this connection a different requirement that I have not listed at the end of the commercial, we are required for a full 5 seconds to portray without any further audio or visual effects, the exact contents of the toy, so there is a full 5-second flat photograph of the product.

Now, possibly, toys are exciting or intrinsically glamorous, and this may convey an impression of excitement to the child. But certainly the advertiser, in the presentation, is not doing that. It may be the attributes of the toy in question. The toys are intended to be exciting and glamorous.

Mr. MACDONALD. I have, in the process of growing up, I have seen advertising where a younger child sees "Daddy" or "Mommy," as the case may be, "that is great" and then you go to a store and you say "here is the product you saw" and "I told you that it was not exactly what you saw." The child says "Yes, that is right."

Whether it is on purpose you do this or it is by accident or by the children's own further imagining it, they certainly tend to see in products things that you say you don't permit advertising of. Puffery, overglamorization, are two that come to mind. No exaggeration. All right, we will skip that and say you are right. I don't think so, but we will just at this time pass it.

How do you enforce "No asking parents to buy"?

Mr. Locker. If the commercial has any such requirement, it will not be aired.

Mr. Macdonald. I know that it does not say in the ad "Ask your mother to go buy it," but the whole point of advertising, as has been brought out several times, is to sell the product.

Mr. Locker. We can't do it by asking, "Go ask Mommy and Daddy to buy it." It is obvious if the child gets a favorable impression, he will buy it himself if he can or ask Mommy and Daddy to buy it for him. What we are talking about is what was heretofore the subject of great exception and objection, that is the broadcaster or advertiser verbally telling the child, "Go out and ask Mommy and Daddy to get it for you right now."

Mr. Macdonald. And that has stopped?

Mr. Locker. That is not allowed and has not been allowed since 1961, I believe, at least for toys. Now, bear in mind, Mr. Macdonald, this set of restrictions, the guidelines and interpretations apply only to toy advertising, not to other advertising.

Mr. Macdonald. I understand. That is what you are testifying on behalf of, the toy organizations. You are a trade organization and are here testifying for the toy manufacturers and I have that perfectly straight in my head, what you are doing, but I just say that I don't see this. If you live up literally to 1 through 27 of your statement here, what is the point of advertising?

Mr. Locker. Because we can advertise by presenting the product fairly. The point here is deception or fairness, not advertising. Unless you assume the mere act of advertising in and of itself is an unfair act? If I construe your remarks that way?

Mr. Macdonald. I don't construe it as an unfair act.

Mr. Locker. You don't make that assumption; nor do we.

Mr. Macdonald. But, if I knew you were going to be here, well, I had known you were going to be here this week, but I am going back through my memory or my children's memory, being a little better concerning some toys, where they asked and said, "That will last maybe 21 weeks or 3 weeks and then it is going to be busted or broken." I probably said "busted" and busted now has a different connotation.

Mr. Locker. Can I refer to that for a second, sir?

Mr. MacDonald. Well, I can't give you chapter and verse about a product, but I have seen products advertised on there that when you see them, the only relationship between the product and what has been advertised is the name. The big things seem little. You say "No camera distortion"?

Mr. Locker. That is correct.

Mr. Macdonald. Well, when you take a closeup shot, do you say, "This is a closeup"?

Mr. Locker. Let me tell you the technique that is involved. If you object to a closeup shot, it must show the object advertised in true relation to some other object or person, so that perspective is obtained, otherwise there is distortion.

Mr. Macdonald. If you are showing a fire truck, I mean if you are showing, well, yes, OK, a fire truck and you have a closeup, you put a tin soldier or something alongside of it.

Mr. Locker. That is one device which would serve to remove the element of distortion, otherwise the commercial would be objectionable and subject to examination for distortion.

Mr. Macdonald. You know, a comparison between a toy soldier and a first truck makes a fire truck look a lot bigger than it actually is.

Mr. Locker. It might, except that in our view children share some understanding of the size of a tin soldier and if they can recognize the tin soldier, I don't think there would be an element of distortion. Possibly, the mere shot of a fire truck on a screen you might argue then is distortion.

Mr. Macdonald. What do you call an attention-getting device?

Mr. Locker. It is necesssarily subjective on the part of the viewers and editors, the code authority, but there have been repeated instances where a very exciting introduction into a commercial is attempted and it is subject to exception, which is sustained and then objection on the ground that it is too attention-getting.

I might, at this point, call upon one or two of the advertisers to give you a couple of examples of that because they are in the editing process day in and day out and meet with this objection. If it is too attention getting, they can't do it.

Mr. Macdonald. Who objected?

Mr. Locker. The National Association of Broadcasters Code Authority, the people who preclear every one of our commercials.

Mr. Macdonald. And that is part of your voluntary code?

Mr. Locker. That is correct.

Mr. Macdonald. Which they felt was not tough enough?

Mr. Locker. No; the extensions which have been made have not been made to our code but they have been made by taking portions of our code and extending it to other advertisers to children. No other industry has this code.

Mr. Macdonald. Yes; I saw at the back of your statement you said you were the most heavily regulated industry in the country.

Mr. Locker. From the standpoint of television advertising to children.

Mr. Macdonald. You don't say by what, but just say "we are the most heavily regulated industry," and every industry that appears here says that.

Mr. Locker. The thrust of my testimony this morning Mr. Chairman, related solely to advertising to children on television and it is in that respect that you have construed my remarks and in which respect I made them.

Mr. Macdonald. I am sorry I found such a place that I admonished you.

You say on page 5 "We are now not only the most heavily regulated general American advertising industry" and that is quite a generalization, because automobiles think they are terribly overregulated by the U.S. Government.

Mr. **Locker.** Well, I can understand your question in relation to that statement as you have quoted it. We can debate whether or not we are, but certainly, toys have been recently the subject of investigation and regulation on both the State, Federal and local levels, and the thrust of my remarks this morning was extended to the television advertising of toys and the preclearance and postclearance. In that respect, I think we stand alone.

Mr. **Macdonald.** In that respect, cigarettes stand alone. They came off of the air.

Mr. **Locker.** That's true.

Mr. **Macdonald.** You can hardly do more than that.

Mr. **Locker.** True. But we do advertise in a most regulated way and it is in a voluntary way, because the regulatory efforts are self-regulatory efforts.

Mr. **Macdonald.** And you are a great believer in self-regulation?

Mr. **Locker.** Yes, sir. I am.

Mr. **Macdonald.** Did your group, which was put together 58 years ago, ever throw any of their members out for breaking the code which you say has been in effect for such a long time?

Mr. **Locker.** I must remind you, sir, we don't enforce the code. It is enforced as a result of this cooperative effort by the NAB.

Mr. **Macdonald.** You have made that statement 10 times and I believed it 10 times.

Mr. **Locker.** And the commercial does not get on the air.

Mr. **Macdonald.** Now, I am asking you, did you or did your industry ever throw a member out for nonconformity with the code?

Mr. **Locker.** No, sir. But I don't know of any member that has not conformed to the code.

Mr. **Macdonald.** In other words, if you did, you would throw him out?

Mr. **Locker.** No; I didn't say that. I said I don't know of any member.

Mr. **Macdonald.** I know you didn't say that. It was a question.

Mr. **Locker.** That would be a decision, if, within the legitimate perview of the trade association, that would have to be made by the board of directors.

Mr. **Macdonald.** Well, since you object to Government regulation, what is the basis of your objection to Government regulation?

Mr. **Locker.** Well, I think, Mr. Macdonald, anybody who has spent any time in this town can realize that.

Mr. **Macdonald.** Not all regulations turn out badly.

Mr. **Locker.** No. There are good areas for regulations. I think there has been too much of a tendency over the past three decades to overregulate and I think a countertrend is in effect now or at least we are looking at the question of overregulation and how efficacious a regulation is and whether it is all necessary or desirable.

But for a long time I believe that an easy answer to a problem was the addition of a layer of governmental regulation. Now, having watched the bureaucracy in action at close hand, I am not convinced of that.

Mr. **Macdonald.** And yet, the bureaucracy, as you say, consists, in your case of just two—the FTC and the FCC?

Mr. **Locker.** We have not been regulated by FCC in any direct sense. The FTC has regulated us in a direct sense only in that a particular commercial employing a particular practice might be deemed to be unfair and would be the subject of an FTC proceeding under section 5.

Mr. MACDONALD. Do you have a succinct definition of what is unfair advertising?

Mr. LOCKER. No, sir. I don't think you can come up with such a succinct definition. As a lawyer, I tend to think it is resolved on a case-by-case basis. You can come up with a framework of guides or interpretations through which you might view a commercial to see whether or not the presentation to the child is unfair or the perception of the child might be unfairly influenced, but necessarily that is a case-by-case determination.

Mr. MACDONALD. As a lawyer, you understand very well that different areas judge differently.

Mr. LOCKER. I understand that.

Mr. MACDONALD. I would think that would cause you a good deal of a problem unless you took a case to the Supreme Court for a ruling that there should be no restraint on you at all. Do you think there should be no Government restraint on toy manufacturing?

Mr. LOCKER. I prefer to see as little of it as possible consistent with the public interest. If you are asking me whether I think the Federal Government should regulate the advertising of toys, the answer is, "No, I don't think it is necessary," nor for that matter, have I heard or viewed the testimony of any witness who has appeared here who has urged that per se.

Mr. MACDONALD. Well, the NAB's Code relates directly to the Government, because each one of its members are license holders, licensees, and, therefore, the licensees, using public property, have to live up to the NAB Code and that is why it surprised us that you are so gung-ho for the NAB Code and so antiregulation by the Government.

Mr. LOCKER. In our mind, there is a distinction between a Federal regulatory agency and a voluntary effort cooperatively organized between two segments in the private sector—the broadcasters and advertisers.

Mr. MACDONALD. Why do you think suddenly people started complaining about the toy industry and the claims of excesses? You would say that is normal practice?

Mr. LOCKER. No, sir, limited to the question of television advertising, if you look at complaints, there have been very few about the toy industry per se. There have been questions raised as to whether toys should be advertised to children at all, or any product, for that matter.

The thrust of all of the arguments of those who have opposed advertising to children has been opposition to the very existence of advertising itself to the child, not toy advertising or clothing advertising or candy advertising.

Mr. MACDONALD. And yet your code has been in effect, I guess, since 1961.

Mr. LOCKER. Since 1961.

Mr. MACDONALD. It had no problems before. Why did you do it in 1961? I mean what was the catalyst?

Mr. LOCKER. There is a historic reason. For one thing, we did not advertise nationally very much before that. For another thing, there were excesses in the industry which led the industry members and the networks to sit down and talk about coming up with a voluntary code. Since 1961, the code has been in an evolving process and it did not exist in the form in which it exists now, but it has been continuously refined and developed.

Mr. Macdonald. And tightened?

Mr. Locker. Tightened. Yes, sir.

Let me give you an example to which Commissioner Engman referred. Previously, we had—and I suppose this picks up Dr. Liebert's testimony, previously—in connection with the advertising of a battery operated toy there was a superimposition on the screen of "batteries not included."

Recently, an additional requirement, an audio requirement, as well as a video "batteries not included" was added. That is a tightening of the code. It is helping, it is not softening or weakening it.

Mr. Macdonald. If you advertise to kids that can't read, it seems like a very reasonable thing so to say.

Mr. Locker. We agree. That is why the audio was there.

Mr. Macdonald. Well, with all of this regulation and your own self-regulation that you talk about in high terms, have you had any adverse effect on sales of toys?

Mr. Locker. The use of the code to present fair advertising should result in adverse effect on sales? No, we have not had such an effect.

Mr. Macdonald. I am not saying it should. I am asking, have you had any adverse effects because of governmental interest in what you are doing and your voluntary joining the NAB Code and living up to whatever other code you said you belonged to and your own code?

Mr. Locker. No, sir, we have not.

Mr. Macdonald. Have these affected your sales?

Mr. Locker. We have not had any adverse effect.

Mr. Macdonald. Even though you have had a lot of consumers who say you should not advertise at all?

Mr. Locker. Correct.

Mr. Macdonald. That has not affected your sales?

Mr. Locker. I don't believe so. We have been affected by the general economic conditions.

Mr. Macdonald. There has been absolutely no effect in say cutbacks of time limitations of the children's code on the sale of toys?

Mr. Locker. This is something which is being phased into operation now. I don't know at this time what effect the curtailment of advertising time will have.

One obvious effect that we feel it may have is that toy advertisers who are seasonal in their advertising, that is pretty much concentrating in the last calendar quarter of the year may be an inability to get TV time.

Mr. Macdonald. Last quarter being Christmas?

Mr. Locker. The last quarter being Christmas. Toy advertisers may, because of prior commitments to full-year advertisers, find it difficult to get time and that may adversely affect us. The results of that possibility are yet to be read.

Mr. Macdonald. But you had thought perhaps this would happen and so you volunteered to go into the NAB Code that it would do this?

Mr. Locker. At the time we met with representatives of NAB in 1961, this was the farthest thing from everybody's mind.

Mr. Macdonald. Well, it was the farthest thing in my mind in 1961, too, but it is not the farthest thing from my mind in 1975, nor was it in 1970. What do you think now?

Mr. Locker. If advertising is going to be curtailed to the point that we have difficulty in securing air time, we feel that it will adversely affect our ability to sell our products.

Mr. Macdonald. Well, who will be buying your air time? Other competitors or people in different lines?

Mr. Locker. Two things will happen. First, others—year around advertisers might secure the time, and, second, the practice on the part of the networks has been if they shrink time available, to increase the cost. It might be prohibitively expensive to advertise.

Mr. Macdonald. Advertising that you found out to be your most effective media for the sales, right?

Mr. Locker. True.

Mr. Macdonald. And yet you don't pass on that advertising raised cost to the consumer?

Mr. Locker. Sir, I think I indicated we do. It must necessarily follow that the cost of the product will be increased, but we think economies in mass production answer that problem.

Mr. Macdonald. You give me reasons where it increased, but didn't increase because of cutbacks in other areas?

Mr. Locker. Two things follow. We think mass production of the item brings the cost down and second, it is quite common for the toy to become a bargain item in the merchandising plans of the retailer or discounter frequently selling for cost or below.

Mr. Macdonald. It always, perhaps, indirectly struck me how difficult it is to guess at what a kid is going to like. How many months in advance of Christmas, say, do you have to begin your mass production plans?

Mr. Locker. Most of our manufacturers, certainly, the larger more substantial ones make a commitment of a year or more in advance. It makes the toy industry a tremendous gamble.

Mr. Macdonald. That is what I was about to say. It is like going to Las Vegas and you have to invest this money. That is why I don't understand how you say that "mass American advertising can save consumers if the mass American advertising is not selling at all." And say it is something that the kids just plain don't want.

Mr. Locker. Unfortunately, we have several examples of toys like that and companies like that and there were toys in some cases, in many cases, which were advertised on television which did not sell. The mere advertising of the toy on television does not insure its commercial success.

Mr. Macdonald. Or anybody's success.

Mr. Locker. Or anybody's success, for that matter, yes.

Mr. Macdonald. But, in conclusion, you are happy with things pretty much as they are or you would like to see things changed, and if so, in what way?

Mr. Locker. In conclusion, we think that if all advertising to children now, and I am speaking of children's products, and children's time were subject to this kind of program that we have testified about before you today, we think much of the heat would be removed from the children's advertising controversy and a little more light generated. We think many of the questions involving fairness or unfairness would be removed if a single uniform code were applied to everyone, whatever that code is ultimately, and we prefer to have that code administered in the voluntary sector.

This is not the typical case of a standard administered by a trade association. Part of our program calls for compliance with the code monitored not by the advertiser now but in a program cooperatively with the broadcaster who after all, as you point out, is a FCC licensee. He certainly has an interest in removing deception from the airways or insuring that the advertising is fair. If he monitors it, a code, jointly arrived at between the advertiser and the broadcaster, we think many of the claims regarding unfairness in advertising in children's products will disappear.

Mr. MACDONALD. You understand that the networks are honest, and we were told yesterday that many advertisements are just sent to local affiliates to be shown, period?

Mr. LOCKER. I understand that, sir.

Mr. MACDONALD. And they don't get a chance to evaluate them, therefore, since their license isn't in jeopardy, they have no say in the matter, so really you are the only one with the burden.

Mr. LOCKER. We think it is a burden that might be considered by the rest of the industries, while the networks are not licensed as such, their individual stations are.

Mr. MACDONALD. And that takes a total of 15 stations out of the entire 50 States?

Mr. LOCKER. But from the standpoint of the impact on our association, I would suggest, as I have testified before, that every single commercial we make, because of the fact that we want this national distribution, is going to be a NAB Code approved commercial.

Mr. MACDONALD. OK, to sum up in my own mind and maybe you summed up and it has gone over my head, you feel that you are better off with a little rather than a lot of regulation from the Federal Government?

Mr. LOCKER. Correct.

Mr. MACDONALD. And you feel that, perhaps, they should not be very tough to live up to inasmuch as you are already living up to them in your 27 points, which, in my judgment, can be squashed into about seven different points because a lot of those points are repetitious.

Mr. LOCKER. In actuality, they are. I just extrapolated from the guidelines and interpretation, specific examples which were subject to objection by the Code Authority editors.

Mr. MACDONALD. Anything further from the staff?

All right, thank you very much.

Mr. LOCKER. Thank you for the opportunity to be heard.

Mr. MACDONALD. It was a pleasure to have you. Thank you, Mr. Locker. This hearing will adjourn until tomorrow at 10 o'clock.

[Whereupon, at 2:15 p.m. the subcommittee adjourned, to reconvene at 10 a.m., Thursday, July 17, 1975.]

BROADCAST ADVERTISING AND CHILDREN

THURSDAY, JULY 17, 1975

House of Representatives,
Subcommittee on Communications,
Committee on Interstate and Foreign Commerce,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to notice, in room 2218, Rayburn House Office Building, Hon. Torbert H. Macdonald, chairman, presiding.

Mr. Macdonald. The hearing will be in order.

The first witness this morning is the Honorable Richard Wiley, who is Chairman of the Federal Communications Commission, followed by a gentleman whom I have known for a long time, the very distinguished attorney general of Massachusetts, representing both the State of Massachusetts and other States in his presentation; and Dr. Barbara Fowles, associate director for research of the Children's Television Workshop.

Before we hear from the Chairman, I would like to point out that this is the final day of our hearings, which have been focusing on problems associated with broadcast advertising directed toward children.

The first witness, as I said, is Chairman Richard Wiley of the Federal Communications Commission, and we will be interested, as we always are, to hear what his agency is doing in this area.

We know, for example, that the Chairman has endorsed the National Association of Broadcasters' revisions regarding advertising directed toward children, and the amount of such broadcasting.

We shall be interested to hear about his part in those revisions, if any, inasmuch as we heard from Mr. Engman of the Federal Trade Commission yesterday on the same subject.

Mr. Wiley might also care to clear up another point for us this morning, which would be very helpful. I recollect that when Chairman Burch was Chairman of the FCC, and Chairman Kirkpatrick, I believe, was the Chairman of the FTC, they set up some liaison between those two agencies. This agreement, I believe, had as one of its objectives some consultation between the respective staffs on a regular basis regarding those areas of regulation that both agencies share.

One of those shared responsibilities, but not the only one, is broadcast advertising to children. Mr. Wiley is charged with the responsibility for the time limitations of such commercials, while Mr. Engman is charged with the responsibility for overseeing the content of such advertising, if such advertising is found to be deceptive, or what Mr. Engman, yesterday, indicated was unfair advertising. He could not define what "unfair" was.

Perhaps, Mr. Chairman, you will be able to tell us what if anything, you know of that liaison that I believe used to exist. According to

Mr. Engman, it no longer exists. When I asked why not, he indicated to me—I don't know whether you had an auditor at the time at the hearing—that he did not feel that it was necessary. That he sometimes talked to you on the telephone, and you were current, in general, with what was going on. It seemed rather vague to me.

I have not had a chance to talk to Mr. Bellotti, who is representing the attorneys general of the United States, but it is my understanding that Mr. Bellotti has a petition concerning advertising for children. I have not personally seen it, nor have I had the opportunity to discuss it with Mr. Bellotti, which I am looking forward to doing, both formally and informally.

He would not know to whom to deliver it, whether he should give it to the FCC, or the FTC.

Another point in which I have a good deal of interest, as you know, is the Children's Task Force or so-called Children's Unit, that used to exist within the FCC. You may recall that I suggested the formulation of such a unit about 5 years ago. Mr. Burch, the Chairman, then thought it was a good idea and set it up.

When you testified before us, you indicated that as a practical matter it no longer exists. I would like to find out what happened to it. Does it shall exist? Is it tackling some of the research that still needs to be done in the area of television advertising directed toward children?

We heard testimony from Mr. Engman yesterday that he has no in-house behavioral scientists. He has not elected to hire any consultants in the matter, even though his testimony was followed by a consultant who indicated to me that it would be easy enough to do, and would not even cost too much, nor would it take very long.

Then, as I have said, after we hear from Mr. Wiley, we will hear from the Honorable Francis Bellotti, Attorney General of Massachusetts. I know that Mr. Bellotti is very concerned about the advertising of nonprescription drugs on television when children might be expected to be viewing such advertising.

He is to be followed by Dr. Barbara Fowles, whom many of us know. She is from the Children's Television Workshop, which has produced two very, very fine programs for children—Sesame Street and the Electric Company.

However, I hope that today Dr. Fowles will be able to discuss at some length with us, both by way of statement and by way of answering questions, whether children ought to be treated as a special group when it comes to television advertising.

As soon as I return, which ought to be in 6 minutes, we will hear from Chairman Wiley. You can be thinking over those questions and I will be right back.

[Brief recess.]

Mr. Macdonald. Will you proceed, please, Mr. Wiley.

STATEMENT OF RICHARD E. WILEY, CHAIRMAN, FEDERAL COMMUNICATIONS COMMISSION; ACCOMPANIED BY LAWRENCE SECREST, ADMINISTRATIVE ASSISTANT

Mr. Wiley. Thank you, Mr. Chairman.

I am pleased to have this opportunity to appear before your subcommittee to discuss the actions taken by the Federal Communications

Commission with respect to advertising on children's television programs. I have with me Lawrence Secrest, my administrative assistant, and one of my principal advisors in this area.

There can be no question that television advertising plays a major role in the lives of our children. During their most impressionable years, young people spend an enormous amount of time watching television. A recent survey by the A. C. Nielson Co. indicates that children between the ages of 2 and 5 watch an average of nearly 4 hours a day, while 6 to 12 years of age view more than 3 hours a day. By virtue of their presence in the television audience for such lengthy periods of time, it is clear that young people are exposed to a considerable number of commercials. For this reason, it is understandable that parents and others are concerned about the nature and amount of advertising material which their children view.

Our involvement in this area arises out of our statutory obligation to regulate broadcasting in accordance with [illegible] public convenience, interest, and necessity," and to "encourage the larger and more effective use of radio." However, in our efforts to fulfill this obligation, we concluded that certain advertising practices—most notably the use of false and misleading material—are particularly within the jurisdiction of the Federal Trade Commission. The FTC has the resources we lack to effectively evaluate these matters. Moreover, it can promulgate rules and regulations for all mass media, whereas our jurisdiction is limited to the broadcast industry.

In order to clarify this division of responsibility, we entered into an understanding with the FTC under which it agreed to assume primary jurisdiction over the content, deceptiveness, and unfairness of children's advertising. We agreed to insure that broadcasters not advertise to excess on programs designed for children, or employ tactics exploiting the inability of young children to distinguish advertising material from program content. Both FTC Chairman Engman and I testified about our respective obligations during oversight hearings before the Subcommittee on Communications of the Senate Commerce Committee in March 1974.

Despite the fact that the FTC has primary jurisdiction over the content, deceptiveness and unfairness of children's advertising, we do expect our licensees to exercise particular care in deciding whether to broadcast advertising messages which have been the subject of a complaint before the FTC. If the FTC concludes that the advertising is deceptive, continued broadcast of this material raises a serious question as to whether the licensee is serving the public interest. This problem would appropriately be considered during the license renewal process.

On October 24, 1974, we issued a statement setting forth our policies with regard to the two areas where we have primary responsibility. The statement was a result of a wide ranging inquiry into programing and advertising practices. It began with the premise that television licensees have a special obligation to serve children which flows from their duty to satisfy the needs and interests of all substantial groups in their communities.

In our policy statement, we first addressed the question of excessive advertising on children's programing. Although we had previously taken the position that licensees had an obligation to confine all forms of advertising to a level consistent with the public interest, we had not previously singled out children's advertising for individual treatment. In this instance, we determined that a broadcaster's responsibility to young people carried with it a special obligation to insure that programing directed toward child audiences not contain excessive advertising.

Our statement indicated that this duty was not being adequately performed. We found, for instance, that many broadcasters aired up to 16 minutes of nonprogram material an hour during children's television, while airing only 9 minutes and 30 seconds during prime time, which is 7 to 11 p.m. eastern standard time.

In order to determine at what point advertising became excessive, we undertook an economic analysis of children's advertising practices. Our study indicated that there was an in inelasticity of demand for advertising on children's programs. That is, demand remained relatively constant as price increased. For this reason, we concluded that the volume of advertising on these programs could be reduced without jeopardizing the industry's legitimate revenue requirements. However, we rejected the proposal advanced by a citizen's group that all advertising on children's television programs be eliminated.

In our view, it was unrealistic to expect improved children's programing—as we called for elsewhere in the report—while, at the same time, removing the financial incentive for program production. We were not persuaded that alternative means of financing existed to fill the vacuum resulting from such a course of action.

Mr. Chairman, with these thoughts in mind, I said, in May 1974, in an Atlanta speech that the time had come to bring our 4-year docket on children's programing and advertising to a conclusion. I also indicated the personal belief that a reduction in the amount of commercial matter on children's television was warranted, and that certain specific advertising practices—which I will discuss subsequently—should be eliminated. At that time, I had no reason to believe that effective self-regulation in this area was possible. It was, therefore, my intention to proceed with the drafting of FCC rules requiring what I believed to be necessary reforms.

Shortly after the Atlanta speech, I was approached by representatives of the NAB who stated their intention to initiate advertising reductions and improvements through amendments to the NAB Television Code. These representatives asked the Commission to postpone consideration of rules in order to give them an opportunity to demonstrate the effectiveness of enforcement through the Code.

I told the NAB officials that, while I was in favor of meaningful industry self-regulation, I could not consider their proposal unless the commercial reductions coincided with the standards that I had in mind; that is, to place Saturday and Sunday morning children's television advertising practices on a par with adult prime-time Code standards of no more than 9½ minutes of nonprogram material per hour. I also said the Commission would require reasonably firm assurances that the new standards would apply throughout the industry—across the board—and not just among NAB Code members.

The NAB, as you know, responded by developing new rules to bring about a reduction in advertising levels to 9½ minutes per hour on weekend children's programs and to 12 minutes per hour during weekdays. Since the Code continues to permit up to 16 minutes per hour in adult daytime programing, some differential between weekdays and weekends was considered necessary. Unlike Saturday and Sunday morning, when there is no significant audience other than children, weekday mornings and afternoon are attractive periods to program for adults.

The more substantial the differential between the permissible level of advertising on children's and adults' programs during the week, the greater is the disincentive to program for children on weekdays.

Following meetings with me, the Association of Independent Television Station (INTV)—an organization representing many stations not subscribing to the NAB Code—also agreed that its members would also conform to the new commercial time standards.

These industry initiatives persuaded the Commission to give the industry an opportunity to prove the effectiveness of its new reforms. In reaching this decision, the Commission was mindful of the fact that when it proposed the adoption of general advertising rules in 1963 and 1964, the House of Representatives voted by an overwhelming margin—317 yeas to 43 nays—to forbid the Agency from placing any limits on the amount of television commercial matter. Mr. Chairman, I appreciate the fact that you personally voted against this legislation, but I am sure that the action taken by the House reinforced our view that it would be appropriate to give self-regulation a chance.

It should be made clear, however, that the Commission has not simply turned the problem over to the industry and washed its hands of the matter. To the contrary, we recognize a need to maintain continuing oversight of the level of children's advertising. For this reason, we have amended the television renewal form to require stations to report every instance in which they exceed the new commercial standards. In addition, we have reserved the right to act on an ad hoc basis against any station which engaged in over-commercialism.

We have also left the docket open in the children's television proceeding to facilitate an evaluation of the overall effectiveness of industry self-regulation. If, after a full evaluation, it appears that the industry actions have been ineffective, the Commission will revisit the question of whether the Government rules should be adopted.

As I indicated, the second subject of my Atlanta speech and of the Commission's subsequent policy statement was the separation of advertising material from program content on children's television. The Commission found that many broadcasters interwove commercial message and programing without adequate distinctions for the child viewer. Some employed tactics which were particularly unfair to the young. For instance, a number of stations used program characters to promote products, so-called "host selling." The host either delivered the commercial message himself or commented on the product and thus appeared to endorse it. In this manner, an advertiser capitalized upon the special trust children placed in the program host. Other stations displayed commercial products on their program sets to similar advantage, so-called "tie-ins."

In our judgment, failure to separate commercial and program material under these and similar circumstances worked an injustice upon young people lacking the sophistication necessary to make the distinction for themselves.

We concluded, therefore, that broadcasters should take special measures to insure adequate separation. We suggested that this separation take the form of aural and/or visual announcements, or commercial clustering. Following further discussions with the NAB, the Television Code was amended to require the use of separation devices beginning January 1, 1976. INTV has appointed a committee to consider similar standards and guidelines.

We believe that these actions go a long way toward eliminating some of the most distasteful advertising practices in children's television—those taking advantage of the immaturity of children.

Mr. Chairman, this concludes my prepared remarks. I will be happy to respond to your questions.

Mr. MACDONALD. Thank you very much, Chairman Wiley for your statement.

I hope that what you indicate about the House action on page 6 of your statement does not mislead anybody. You are quite correct in pointing out that I was one of the 43 "Nays." I will take your word for it if you say that there were 317 "Yeas." That was a pretty big vote. Yet, nothing happened. It went over to the Senate side and it died. So, actually, the Congress did not say yes or no, really. I agree that you would take from this that the House approved.

There had been, at that time, some controversy within the House, not only with the FCC, but with other agencies, and I forget now which one was subject to drawing the most fire at that time. The Congress was giving its jurisdiction away to the agencies that it had created at the time. I must say that the bill was never explained very properly on the floor. We tried to get into the act, and time was very limited.

However, the Senate took no action at all, and, therefore the Congress as a whole took no action. So, your action would have stood. It was not overridden.

On the same page you make a reference to the Association of Independent Television Stations, and I have never heard of this association before. Are they are an organized group?

Mr. WILEY. Quite.

Mr. MACDONALD. Are they a paper group?

Mr. WILEY. They are quite organized. They were organized several years ago. I have spoken at their national convention and other Commissioners have also. Basically, they are made up of the television stations that are not members of the NAB. In some cases their members are also members of the NAB.

Mr. MACDONALD. Does Metromedia belong to that?

Mr. WILEY. They do.

Mr. MACDONALD. Does McGannon?

Mr. WILEY. I think that most of the stations are network affiliates.

Mr. MACDONALD. The reason I ask is not to seek information, which I could get without wasting our time about it, but I was wondering how it would be possible for the FCC to enforce a code such as the NAB's, when only 60 percent of the broadcasters subscribe to it, granting, which I do not grant, that the code is good enough, and whether it goes far enough or not. You think it does and I don't think it does.

In any event, it would seem very difficult, even if it goes far enough, to have the FCC really supervise it when 40 percent of the people are not members.

Mr. WILEY. Let me make it clear that we don't, of course, enforce an industry code. The purpose is to find out whether or not the code standards are being applied throughout the industry. As I said in my May 1974 speech in Atlanta, and as I have said in frequent meetings with industry officials, the standards have to apply throughout the industry and not just to those who voluntarily subscribe to a code.

That is why we have put a new question in our renewal form, to monitor the effectiveness of self-regulation. Are, in fact, the stations going to reduce their time to 9½ minutes?

Mr. MACDONALD. What if they say: "Yes, we are going to reduce it. How do you find out whether they did or not?

Mr. WILEY. We will know because they have to recite every single time they have an excess above that. We have made it clear in our policy statement that we expect stations to explain any overages.

Mr. MACDONALD. Let us say that the impossible happens, and the broadcasters get what they want, which is a 5-year extension of their license period. During that 5-year period, will you be able to monitor with any degree of clout?

Mr. WILEY. Yes, we are going to continue our oversight.

Mr. MACDONALD. What if they don't, You cannot do anything about their license.

Mr. WILEY. I disagree with that.

Mr. MACDONALD. You cannot do anything with their license for 4 years.

Mr. WILEY. That is not true either because on several occasions we have called stations up for early renewal. We feel that the Commission, through its increased regulatory actions, has a more continuing oversight on broadcast licenses than it ever had before in a variety of areas which I could detail for you.

One of those is an annual programing statement that we get from broadcasters. I think that we would know this, and I can assure the subcommittee, just as I have told the industry, that we can keep very careful watch on this. If self-regulation is not effective in this area, then I am going to have to go back and reinstitute my previous view that we need Government rules in this area.

Mr. MACDONALD. But you recommend that the subcommittee pass no legislation until such time as the code is given an opportunity to work.

Mr. WILEY. I will base my response on the area over which I have jurisdiction, which is the amount of advertising and separation. In both of these areas, the Commission, through its discussion with the industry, has seen reforms come—very marked reforms. The question now is whether those reforms will apply throughout the industry.

We have to wait and see whether that will occur. It will become fully effective on January 1, 1976, although some reductions have been in effect since last year. The program separation, of course, will go into effect on January 1, 1976.

Mr. MACDONALD. So, you are recommending that the Congress or this subcommittee has to hold its fire until such time as that does happen.

Mr. WILEY. That would be a reasonable conclusion.

Mr. **Macdonald.** Whether it is reasonable or not, is that your recommendation?

Mr. **Wiley.** Yes. I don't think that any legislation is required in this area at this point, just as I feel that we don't have to have regulations at this point, if it works. If it does not work, I can assure you—I am going to be there, I hope, in the next several years—I plan to take some steps.

Mr. **Macdonald.** Frankly, I hope that you are there for several years.

Mr. **Wiley.** I appreciate that.

Mr. **Macdonald.** There was some confusion yesterday with Mr. Engman as to whether or not it was a good idea to meet with you, or to have the respective staffs meet.

In response to my question, which led to the subject, he said that it would be a fragmentation of what was already happening. I asked him what was happening, and he answered that he talked to you on the telephone, and you had lunch.

I told him that this was not what I had in mind. What I had in mind was a liaison between the two on a regular basis, and a discussion of mutual problems such as problems in children's advertising, which cannot be handled by one agency at this time.

Mr. **Wiley.** I am not completely familiar with Mr. Engman's testimony.

Mr. **Macdonald.** Take my word for it.

Mr. **Wiley.** I will. But, what I was going to say, the fact is that there is an FTC–FCC liaison formally set up. I could supply you with the papers in that regard. [See p. 385.] It involves the two general counsel of the agencies, and it involves a wide-ranging number of subjects, not just television and advertising for children.

He may have taken your comments relative only to children's television. It is true that in the area of children's television, Chairman Engman and I have had quite frequent contacts. I am quite aware of the areas that he is into, and I think that he is quite aware of the areas that I am into. We have had considerable discussion.

Mr. **Macdonald.** Are you coordinating efforts?

Mr. **Wiley.** In many areas we do. In the last several months, I have had my general counsel sit down with the FTC general counsel on double billing. This is the reason that I wanted to see the FTC coordinating with the areas I was planning.

Following that I went over and sat down with Mr. Engman personally on this subject. It seems to me that it is highly healthy for those two agencies whose regulation, if not overlapping, at least comes together in some areas, to have frequent interchange. Mr. Engman and I have had considerably more contact than any previous Chairmen of these two agencies, as far as I know.

Mr. **Macdonald.** Be that as it may, and I will take your word for that. I don't know how much contact Burch and Kirkpatrick had, but at least they set up a committee that met regularly. That suddenly just faded into the air.

Mr. **Wiley.** I think this formal liaison——

Mr. **Macdonald.** According to Mr. Engman's testimony, it was my impression that this no longer existed.

Mr. **Wiley.** I could furnish for the record the formal liaison that was established in 1972. [See p. 385.] I know that since the time that Mr.

Hardy has been the general counsel and since I have been Chairman of the FCC, he has met several times with his counterpart at the FTC level.

Mr. Secrest is my top assistant, and he has been over to the Federal Trade Commission. He has sat in on some of the meetings in the children's television area specifically. We have had discussion on a number of other areas, and I think that it is healthy.

Mr. MACDONALD. Do you think that it ought to go down to the staff level from yourself talking to Mr. Engman over the phone, or lunch or whatever, and for the general counsel to arrange a staff meeting, so the staff who are charged with much of the duties could meet?

You are captain of the ship, and you cannot possibly be aware of everything as it is happening, even though eventually, you would hear about it. I don't think anybody would be able to hear about it as it happened.

Do you have any objection to forming a liaison group such as this, or appointing one on behalf of the FCC, to meet with the FTC?

Mr. WILEY. No; I don't, but the point remains that we do have such an existing structure.

Mr. MACDONALD. Do you think that it could be improved? I will put it that way.

Mr. WILEY. Considerably. I will say this. The fact that Chairman Engman and I have had a reasonably good relationship and a fairly close relationship has improved the communication between the two agencies.

Mr. MACDONALD. Let us say that Mr. Engman decides to do something else in the near future. Then your relationship with Mr. Engman might stay very friendly. You could both go out to lunch, come back and get hit by a truck—Heaven forbid—I am not talking about your personal relationship.

Mr. WILEY. I am in favor of the liaison and that is why I have Mr. Hardy go over there on a regular basis to talk to the general counsel of the FTC on a number of subjects. You say that this should be improved or regularized. I don't see anything wrong with that at all.

Mr. MACDONALD. Improved in the sense of putting more people on it, so that they will get a little different view of the different functions.

Mr. WILEY. I would not say that Mr. Hardy is the only one who has gone over there because Mr. Ray of our broadcast bureau went there with Mr. Hardy.

I certainly would be happy to discusss it with Chairman Engman. If the subcommittee is suggesting that they would like to see this matter——

Mr. MACDONALD. The committee is suggesting it through me.

Mr. FREY. I would like to add to that, too, because there are several areas that would be helpful, including the FDA, maybe, and the Consumer Product Safety Commission. I think there is an overlap in some of these areas, and it could be very important.

Do you do anything with any of these other groups, by the way?

Mr. WILEY. We have had nothing formal with them such as we have had with the Federal Trade Commission, because our area does not tie in too closely with the FDA and Consumer Product Safety. Again, we are not usually getting into the content of the advertising, such as the Federal Trade Commission might be.

Mr. **Frey**. Some of the trauma in the children's advertising is, obviously, the fact that some of the products are used improperly. It seems that this is an area where you have to coordinate.

Mr. **Wiley**. I will give it some further consideration. I appreciate the suggestion.

Mr. **Macdonald**. Speaking of things that disappear without any sign of a trace that I could find out, what happened to the coordination between yourself and the Children's Unit which was set up?

Mr. **Wiley**. It became extremely close. In fact, when I became chairman, Mrs. Roberts, the former head of the children's unit, had left several months before.

I felt that the time had come to bring this 4-year-old docket to a conclusion, to get some action and make some decisions. I asked Mr. Secrest to bring together the remaining members of the unit, and bring them in to meet with me directly.

I took over the personal supervision of the unit, and I spent more of my time in the first 3 or 4 months that I was chairman on this particular issue than any other single subject. I frankly became, one might say, in effect, the chairman of the unit because I just spent so much time, as did Mr. Secrest.

Mr. **Macdonald**. I hope you know, from our past relationship that nobody, especially myself, is questioning your hard drive, or your ability to drive and keep driving on a subject. That is one thing.

Now, this is not exactly my point. Is there a liaison group now? You think that you have done enough, and have occupied an awful lot of your time, but don't you think that it is a continuing need to keep a liaison with these people because the problems keep changing?

Mr. **Wiley**. There is a continuing need to have a liaison with the FTC. There is also a need to have interrelationships with our general counsel's offices, my office, the broadcast bureau, and personnel assigned to work on children's television.

Mr. **Macdonald**. I am talking about a group being set up like Dean Burch had, headed by Mrs. Roberts.

Mr. **Wiley**. I don't have a specific children's television unit up on the eighth floor as he did, because we have moved from the planning stage to implementation. But, let me say this. There are individuals assigned within the renewal branch, the rules and standards division and the general counsel's office, working on this.

Mr. Secrest and I have primarily been head of what I would call an informal liaison between all of these groups and we have met frequently on various aspects of the children's television area.

I don't know that it would be effective within our organizational structure to pull three or four people out, and say: "Do only this." at this point, given the areas in which we are working, such as commercial reduction and separation. The work has been done, and we are trying to find out whether the implementation of it is going to be effective.

I can assure you that this is not something that is being buried, or being lost sight of at all.

Mr. **Macdonald**. It stopped, it ceased.

Mr. **Wiley**. It has been instituted among our operating bureaus.

Mr. **Macdonald**. It looks as though it has ceased. Mr. Choate made those allegations in his testimony, and I have not discussed this with him at all. I have discussed it with myself since it was at my urging that Mr. Burch set up the unit in the first place. People told me that there no longer was such a group, and I was surprised.

Mr. **Wiley**. If you will look at our organizational chart, you will not see the children's television unit. That is correct. But, I can assure you that there are people specifically working in this area, who are brought together by Mr. Secrest when the occasion demands it.

Mr. **Macdonald**. When does the occasion demand it?

Mr. **Wiley**. When we recently revised our renewal form, we had a liaison between all the constituents within our commission, working in this area.

Mr. **Macdonald**. Will the occasion demand it when Mr. Bellotti presents his testimony and his petition? Who would have jurisdiction on behalf of children. It is high time to take extraordinary steps about the selling of drugs after 9 o'clock.

Mr. **Wiley**. I have not seen his petition, but if it is something that would fit within our jurisdiction, this would have to be done.

Mr. **Macdonald**. It fits in both your jurisdictions, doesn't it?

Mr. **Wiley**. I have not seen it. I would have to study it and see if it concerns specific harmful advertising, then it would be more in the FTC area than in mine, because I don't get into the content of harmful drug advertising consistent with the relationship that we have.

Mr. **Macdonald**. But you do have complete control of the number'of times commercials can be shown. If there is a decision that no commercials can be shown, you would have to take that into consideration; so, therefore, you are concerned.

Mr. **Wiley**. It may well be. I have not seen Mr. Bellotti's petition.

Mr. **Macdonald**. As I understand it, it is not only the position of Mr. Bellotti, the attorney general of Massachusetts, but it represents the position of all of the attorneys general.

Mr. **Wiley**. I can assure you that if that occurred, we would put a team together and study it. If it is submitted to us, we will, I can assure you.

Mr. **Macdonald**. Would it be submitted to you or to the FTC, or to both?

Mr. **Wiley**. I have not seen it, but I think that he might want to submit it to both of us, and let us take a look at it. I have not studied it, and I don't know what it says.

Mr. **Macdonald**. I understand that you had a planning conference this week at the FCC. I was wondering how much time, if any, was devoted to children's advertising?

Mr. **Wiley**. This was not one of the subjects that was on the schedule. We got about 200 suggestions from both our staff and the people who were participants as to the areas we should cover.

We had only 2 days that these experts could set aside to meet with us, and we had to make certain decisions as to what areas were needed for future planning.

The purpose of this conference, as I tried to explain to you and to Mr. Wirth, was a desire to determine what areas need to be researched, and also so that the FCC could have the kind of data it needs to act, let us say, in 1980, or 1984.

Mr. **Macdonald**. Do you have any researchers on the staff?

Mr. **Wiley**. Yes; we do. We have the office of plans and policy.

Mr. MACDONALD. For research on children?

Mr. WILEY. I don't know specifically that someone is set aside to do only research on children's television.

Mr. MACDONALD. I would think that it would be a pretty good idea if you did.

Mr. WILEY. I would not have an objection to it whatsoever.

Mr. MACDONALD. You don't have any objection to it, and Chairman Engman does not have any objection to it. You need to get together and discuss it.

Mr. WILEY. Keep in mind again that the Federal Communications Commission is charged with the responsibility of the commercial frequency and the separation. In those areas, I think, we have taken effective action.

Mr. MACDONALD. Nobody is quarrelling with that.

Mr. WILEY. I am saying as to where we go from here.

Mr. MACDONALD. I am not saying that you are right, but I am not saying that you are wrong either. That is not the point. I am not quarreling with you about that.

I am saying to you that it would seem to me that you ought to have, if you are as interested as I know you are, knowing that you have children of your own, consultants down there.

If your budget would not let you have a full-time one or two children's experts, certainly you can afford a consultant.

Mr. WILEY. I have no objection to that. As a matter of fact, I had one of the best, but he happens to be sitting over there in the chair.

Mr. MACDONALD. On children?

Mr. WILEY. On the economic aspects of it.

Mr. MACDONALD. I am talking about children. Child psychiatrists, how ads affect children. We had a gentleman who testified yesterday who made an awful lot of sense, Dr. Liebert. He said that it did not take that long, and it did not cost that much money, and it would be of great help.

Mr. WILEY. When we had the children's docket, I think that the Commission would have had to do in this area with limited resources—and what you are suggesting perhaps—is draw on the expertise of some of the best people in the area.

Dr. Atwood of Harvard who has done some of the more interesting studies in this field, came to the FCC and commented. What you are suggesting is a continued oversight of the literature in this area. Whether this is best done internally or externally is a question. Your point is well taken.

Mr. MACDONALD. That is not what I am suggesting, Mr. Chairman. What I am suggesting is that you hire consultants at the FCC that are specialists in children's behavioral science: How they are affected, what age, and what different age groups are affected in what way by children's advertising. That is what I am suggesting.

The rest about staying current with the best brains in the field is up to your consultants to deal with. I guess if they are like most behavioral people, they talk sort of a jargon of their own, and you need two people who are responsible to you to discuss on a scientific basis what they are doing, in my judgment.

I am asking you: (a) Do you think that it is a good idea; and (b) will you do it.

Mr. WILEY. If I get the support from OMB and the Congress to hire the people, I will have absolutely no objection to doing it.

Mr. MACDONALD. This leads me to a point that I will not get into, except for this very short statement, really. As you know, that is one of the suggestions that I sent down to you for your study, an updating of the processes within the FCC, so that the Congress, and not OMB, would have an input into what you get. Then, you would not have to be so subservient to OMB, which seems like big brother, or big uncle, or the big man in the ballpark anyway.

Mr. WIRTH. If the gentleman would yield.

Your answer that "if the OMB approves and gives you the money, then you have no objection," this seems to me to be an extraordinarily passive statement, Mr. Wiley, in an area that is incredibly important. People are concerned about the impact of television on children.

Mr. WILEY. I am as concerned as you are.

Mr. WIRTH. You say that you have no objection.

Mr. WILEY. I am telling you that I am as concerned as you are, and I have taken action in this area. All I am saying is that if I find areas within our jurisdiction in which some further research would be of assistance to us, I would be very pleased to have such people on my staff. I have a great deal of responsibility.

Mr. WIRTH. Have you requested a child behavioral scientist to be on your staff?

Mr. WILEY. No.

Mr. WIRTH. Why have you not done that. That is exactly the point. You are saying that you have no objection to having one on your staff. I think the point that the gentleman is making, and the point that I am making, is that this is something of extraordinary national importance to the development of people in the future of this country.

It is not a matter of not having any objection to a situation. This is a matter of aggressively going after that problem, and doing something about it.

Mr. WILEY. I am going to remind you once again that under the agreement that the FCC has with the Federal Trade Commission, our responsibilities are the frequency of commercials and program separation. Some very effective actions have been taken in that regard.

Now the question is whether or not further research in that area would be of assistance to us. I have taken what actions I have to evaluate that with all the other responsibilities we have. Having somebody on the staff to research frequencies of commercials and effect on children could be effective. I think that we could support such a person on the staff.

Mr. WIRTH. Mr. Wiley, you know as well as I do that anybody who is an effective administrator of an agency in this government, if he or she decides that he or she wants to go out and do something and make it happen, he or she can get that to happen.

The charter that the FCC has can be a very broad charter if interpreted as being a very broad charter.

Mr. WILEY. I think that we made it happen.

Mr. WIRTH. What you can do is to say: "Our charter does not just go into frequency of television but frequency of commercials," or whatever it may be, but it goes to the whole problem of the impact of television on kids.

Mr. **Macdonald.** Mr. Wirth, you have made your point very well. The answer was made; perhaps I understand the Chairman a little better than you do because I know that he is very interested in this problem for a number of reasons, including having children of his own. The answer to the question that I brought up, if you know the Chairman, you know that this was a "yes."

Mr. **Wirth.** That is the most obtuse "yes" I have ever heard.

Mr. **Wiley.** Could I respond. It is not a case where I am being dragged, screaming and kicking, to add people. I think the idea of having research people on the staff, and having more people in the Office of Plans and Policy is fine, I would like to have 20 people in there researching on all aspects.

The question is, how many people Congress is going to authorize us to have.

Mr. **Macdonald.** This is the second quorum call, and we have to leave for it.

My real big quarrel was with Dean Burch about this, and this was explained to me publicly, publicly and not privately, by Mr. Burch as to why he did this.

Mr. Burch was here getting an appropriation from the House. A gentleman who served on this subcommittee, Mr. Tiernan of Rhode Island, asked him, didn't he want more money with all the things that he needed, and the time and the lag, et cetera, which were then pending, didn't he need more money.

Dean Burch reluctantly, but in order to get along with OMB, said: "No; we have to stick with this budget."

I quite agree with Mr. Wirth that you could transfer people around pretty well. I know you will, and I know that you will have that answer sufficiently for everybody when we get back.

[Brief recess.]

Mr. **Macdonald.** The hearing will come back to order.

Mr. **Wiley.** Mr. Chairman, let me just say for the record that I will take your suggestion of additional research people in this area seriously. We will take a look at it in light of our role, and we will be in touch with you.

Mr. **Macdonald.** Thank you very much. I know that this subcommittee will be interested in that. I think that it is important, and Mr. Wirth does as well, and I am sure that we are speaking for the subcommittee.

Mr. **Wiley.** I agree.

Mr. **Macdonald.** Actually, I just have one last question and it is a broad one. Perhaps this is not the exact proper time to get into it, but I don't know when the proper time would be.

I have been rather critical of the NAB Code, and we have heard some very staunch defenders of it; the trade association for toy manufacturers was very strongly for it yesterday, they even indicated that they passed on their costs to the consumer.

Some of that testimony escaped me, but I was wondering how this code was arrived at. Do you know anything about it? Did you actually have an input, jawbone with them, or had you been discussing it with them?

I have absolutely no knowledge, so this is not a loaded question. I don't know how it came about, but I am curious that suddenly they got a little more reasonable, even though Mr. McGannon made a good deal of sense to me. He said that they were making money with 6 minutes, and making a good deal of it.

The way I understand the operation in Boston, for a concrete example, they do a very good job, and they are one of the outstanding stations up there. He said that there was no need to have the amount that was finally reached by the code.

I was wondering, is there a happy medium between Mr. McGannon and the networks, or how were those figures arrived at, if you know.

Mr. Wiley. Of course, there has been an NAB Code for some years, and it has had references to children's television both as to content and frequency of advertisement. I have been a critic, as you have been, of some of the aspects of that code.

I was especially critical of the fact that you could have more advertising during adult evening prime time than in the so-called children's prime time of Saturday and Sunday morning.

That is why I made the talk that I did. As I indicated in my statement, I definitely intended to bring that 4-year docket to a close with Government regulations in this area, at least see whether or not that would be feasible.

The NAB approached me. The networks' are concerned about regulations in this area and they wanted to know what I had in mind. I said that I felt that the level of advertising should not be higher for children in their prime viewing periods than it would be at any other time, sort of a most-favored-nation theory.

I think that this had to apply throughout the industry. From this came many, many weeks of discussion in which there were frequent counterproposals made by members of the industry, which I said would not be acceptable from my viewpoint. I was going to go ahead with my plans for Government regulations.

I could not tell them what to put in their code because it is a self-regulatory mechanism. They have to make that decision themselves.

Mr. Macdonald. I understand that.

Mr. Wiley. What I had in mind, I told them specifically, and eventually they decided that this was an appropriate action to take. I must say that this was a commendable step on their part.

Now, should it be 9½, or 8, or 6 as Mr. McGannon says, I think that we could argue about. At what point do you reach a level at which there is a disincentive to produce quality children's programing, and instead to try to put on something cheap, or to move to nonchildren's programs?

I am not sure at what point you arrive at this. This is an area which I would agree the Commission has to continue to study. The goal or objective is to try to get it down to the absolute breakeven point.

I think that what we are trying to do is to have a reasonable balance between presenting quality children's programing, which does cost money, and having a reasonable support for that.

The most important thing is to have some separation between the program and the advertisement, so that you do not have these tie-ins, or the carryovers from the programming to advertisements. This is an area in which we are interested, and where the code should be strengthened. We insisted that if the code was not strengthened, government action would be necessary in this area.

I want to stress again that I think the industry has to make up its own mind as to what it wants to do in this area. If Government is not satisfied with those results, the Government has to take action where it is feasible.

Mr. MACDONALD. Do you agree with me that content of programing is completely different, and should be treated completely differently from advertising.

Mr. WILEY. Mr. Chairman, I think that it has a different aspect. The courts have held that while the First Amendment does apply in part to advertising, programming is entitled to far greater First Amendment protection.

That is why, when it came to the balance question (which we have discussed in another context and will again in the future) while I discussed it with the industry, my position was not in the same regard, because I did not have Government regulations specifically in mind in this area.

I tried to serve as a catalyst for industry action; to meet with them to explore the possibilities and to try to persuade them to solve this problem in the private sector.

Mr. MACDONALD. I have said this at other times. I feel that self-regulation only comes about when they know they are going to get tougher real regulations from whatever the source might be.

You may disagree with that, but in my experience you really have to push hard to get them to bend a little. They are pretty strong, and they are the first to tell you, although not implicitly.

Some of the broadcasters—I am thinking of no single network or any single broadcaster—but some of them are a little arrogant at times. We had one who testified who was not exactly meek and humble as he testified, especially at the beginning.

This is my last question which is tied directly to that; did you point out to them the fact that in the ascertainment of the affiliates' licenses, that good children's programming—and following suggestions from the Congress or from the Commission of which you are chairman, and preferably your Commission since the Congress is into so many things—that this could be considered as a public service, and is a public service if well done, and a disservice if not well done.

Mr. WILEY. Certainly. I tried to point out in the speech that I made in Atlanta, that children are special. They have special needs and interests. You cannot program for them in the same way you would for adults. They have special needs, and those special needs have to be met by special programing.

Also, in the advertising area, we have to give more thought to the kind of advertising that we are going to do for children. Apparently, advertising is necessary to support the programing, because I don't see any sources to replace it.

More attention needs to be given to what kind of advertising should be done for children. This committee is doing it, and it is in the public interest. I agree, in this area, that more research needs to be done.

Mr. MACDONALD. I was actually talking about ascertainment of whether the licensee has done a good job. Part of the ascertainment would be how he handled children's programing.

Mr. Wiley. We ask our licensees to ascertain the problems, needs, and interests.

Mr. Macdonald. How they advertise, and all the rest of it. If they are putting on good programs, or putting on horror shows.

I remember a program that used to be on on Saturday, and I remember it very vividly from my own children. It was a chamber of horrors for an hour on Saturday.

Mr. Wiley. Under our formal ascertainment procedure, we do not ask broadcasters to view specific programs.

Mr. Macdonald. My suggestion—then I am going to yield—is that it would be not too bad an idea to indicate to them that in the ascertainment proceeding, how they handle this problem can be viewed as one large factor on how the renewal of their license is going to be.

Mr. Wiley. There is no question that the Commission made clear in the report and policy statement that children's programing and advertising for children is an important part of the public service responsibility. It is one of the factors in the overall determination we make at renewal time.

We have insisted that every station do some children's programing, and that a meaningful portion of that be educational in nature—not just classroom instruction but perhaps woven into good entertainment. We leave that individual programing decision to the broadcaster.

The concern that you are expressing is right on target, and it is something that the Commission, at least, tried to express in its policy statement.

May I make one last comment about one of the earlier comments you made? You said that you think there is no action taken by the industry unless there is continued pressure. The kind of hearings you are holding here, the position that the Commission has tried to take, and that Chairman Engman has tried to take, are part of the continuum of this side of broadcasting, in an area—I must agree with Mr. Wirth—where television does have a great impact on our society.

Mr. Macdonald. Thank you.

Mr. Wirth is recognized.

Mr. Wirth. Thank you, Mr. Chairman.

May I just start by painting the framework of where I am coming from, so that perhaps we can get to know one another better. I feel very strongly that this Congress has a responsibility for oversight and that historically that authority has not been exercised as well as it might have been.

There are a great number of people in this country who are very concerned about the overregulation of many aspects of our society, and that we have a responsibility to make sure that those regulatory agencies do as efficient and careful a job as possible without the disfunctional elements that are often associated with Government regulation.

This is the framework from which I am coming, and I think that it might be helpful in saying that we are not here to harass you. We are not here to embarrass you, but we are here, or at least I feel that I am here, for the purpose of making sure that the kinds of questions that I feel many of the people in this country would be asking, are asked of you. That there is kind of accountability of the regulatory agencies to the Congress, who are the elected officials of this country.

Mr. Wiley. I feel that this kind of oversight is not only necessary, but appropriate. I have no complaint whatsoever with you.

Mr. Wirth. May I ask Mr. Secrest a question?

When you put your budget together and send it to OMB, do you define what the people do, what kind of responsibilities they have?

Mr. Secrest. The responsibilities of individual employees are defined in their job descriptions, which are filed.

Mr. Wirth. Do you have a functional accounting? If you have 20 people working, do you know how many are working in this area and how many in that area?

Mr. Secrest. They know which bureaus and divisions they work in. It is broken down.

Mr. Wirth. What I am driving at is your Office of Plans and Policy. How many people work in the Office of Plans and Policy?

Mr. Wiley. Would you like me to respond to that?

When I became Chairman of the FCC in 1974, there was one person in that office. It had been just begun. Since then, we have been assigned 11 people, and now fill that office. We have eight professionals and three secretaries.

Mr. Wirth. How many of these eight professionals are identified as concentrating on the needs of children?

Mr. Wiley. As I said, I don't think that we have a person in the Office of Plans and Policy who is assigned only to children's television.

Mr. Wirth. It was our understanding, from a copy of the budget document that we received, that out of that number, 1.6 were considered to be working in the area of children.

Mr. Wiley. I think that the people in that office have responsibility for the children's television area. What I was trying to explain to you is that we don't have a special television unit for children.

Mr. Wirth. Who was responsible, and what did they do, and how did they spend their time, the 1.6 people who were responsible for children? Of that 1.6, .4 were consultants, which left 1.2 people out of a total of 1,800 that work for the FCC, who specifically were identified as focusing on children and the relationship of children and television.

Mr. Wiley. Mr. Wirth, that is not correct because if you will look into the other parts of the budget, you would find that in the Broadcast Bureau—I think that it is in that budget report—there are a number of people who are assigned specific responsibilities in this area.

Mr. Wirth. Would you be able to put together a short summary of the kind of commitment that the FCC has made to the area that we were so amicably discussing earlier?

Mr. Wiley. If I may, Mr. Wirth, if I was too exuberant in my answer to you earlier, you have my apology. I want to express the fact that I felt that in the research hearing that we had last week and today, you indicated some skepticism as to our commitment.

If you will permit me to finish my response. Oversight, if it is to be true oversight, is to provide an opportunity to hear what the person testifying has to say in response to the questions.

What I am trying to say, Mr. Wirth, is that we do have a commitment in this area. You may be skeptical of that commitment, but I ~~don't think that this skepticism~~ is based upon the record.

The record shows that during the last year, the Commission has taken some very vigorous action in both the advertising area, and relative to violence. Now you may disagree with what the Commission did—that is your prerogative.

I think that you have to look at the constitutional and legal parameters within which the Commission is working, and at the resources that it has.

Now, if you are critical of the resources we have, you are a Member of Congress, and if you want to see the Office of Plans and Policy double in size, and give us research scientists, you have an opportunity to have an impact on that. It would be healthy.

The FCC traditionally has lacked resource requirements, but to suggest that the whole thing is ridiculous and there is no commitment there, this just does not square with the facts, in all due respect.

Mr. WIRTH. I don't think that I ever used the word "ridiculous."

On the one hand, you do say that you have a commitment, and I would hope that this is the case. I am only referring to your answer to the Chairman's question, which was a very passive response, in my opinion.

Second, the fact that there was at one point a children's advocate office, or an office within the FCC which had—in the bureaucracy it is important how that office is labeled—responsibility for children's television, and this has been disbanded. There is not that focus of activity at this point. This was clarified in your discussion with the Chairman.

That, it seems to me, is evidence on the other side, Mr. Wiley, of that commitment, or would raise in one's mind and certainly it raised in mine, a skepticism about the commitment that exists.

I am registering my concern and the concern that I think many, many people have that we must know a great deal more and pay more attention to the impact which television has on children, particularly young children.

The hearings this week have demonstrated that there has been a great lack of research and a great lack of activity on this front. I think that this is something that we all want to get together and focus on.

Mr. WILEY. I think that this is well stated. The only thing that I am trying to say to you is, I don't feel that because there is no specific children's television unit, that indicates a lack of commitment on my part or on the part of the Commission.

The fact is that there were three people in that unit. Mr. Pearce is here. Mrs. Roberts left, and Karen Hartenberger left the agency for a variety of reasons.

Mr. Secrest and I felt, when I became chairman, that something had to be done in this area. We spent a good part of our time working in this area with a sort of team that has been ad hoc from a variety of different bureaus. We worked on both those issues.

The industry knows most of the people who have been involved in this because they have seen them in my office when I have met with them.

I am not saying that it would not be a good idea to have more research people. I did not mean to give you a passive answer. What I am trying to reflect is that this is an extremely complex issue.

The question is whether one or two people in the Office of Plans and Policy, which only has 11 people—8 professionals and 3 secretaries—could be employed usefully in this area, and whether they could have an impact. I don't know.

I think that it would not be bad to have one person, perhaps two people, assigned the specific responsibility to continue to advise me in that area. I don't disagree with that.

I think that we are going to need, as the years go by, more research and more resources if we are to keep up with our responsibilities in the future. I know that you are concerned about that, and I share that concern.

I did not mean to give you a passive answer. I am only reflecting the fact that the Commission has responsibilities that go far beyond this important area, and it has to budget those resources and make the best use of those resources.

What I am saying is that there is not one person in the Office of Plans and Policy whose sole responsibility is children's television at this point, because we have moved from a planning stage to an implementation stage.

Mr. Macdonald. I have to interrupt. If anyone wants rebuttal, we will return in four minutes.

Mr. Wirth. I would like to ask some further questions, when we return, of Chairman Wiley.

[Brief recess.]

Mr. Macdonald. The hearing will come to order.

When we had to leave, Mr. Wirth was questioning.

Mr. Wiley. May I mention something. Perhaps it would be helpful for me to get together a list of the people who work in this area within the FCC, although they have not been designated specifically as part of a children's unit.

I might say that the personnel in the old children's unit were assigned to various areas. We had a situation where they were not in a unit per se. Mr. Pearce was on Chairman Burch's staff. Mrs. Hartenberger was in the Broadcast Bureau.

What we might want to do is provide you with a list of the people who are actually working on it, to show that the commission has people assigned to this area.

It may be, from the standpoint of giving a better indication of our commitment in this area, that I should designate these people as part of a task force for the time that they are working on children's television. So that it will be more clearly evident to the people who are giving us oversight.

Mr. Wirth. Fine.

It might be appropriate for me to ask the chairman if we might leave the record open to receive a list of questions that I am going to be sending to you, which we will not have time to get into. There are questions related to that commitment in that list. So, why don't we put all of that in one package.

Mr. Maconald. Without objection, it is so ordered.

[The following correspondence and attachment was received for the record:]

Congress of the United States,
House of Representatives,
Washington, D.C., July 21, 1975.

Hon. Richard E. Wiley,
Chairman, Federal Communications Commission, 1919 M Street, NW., Washington, D.C.

Dear Mr. Chairman: Thank you very much for appearing before the Communications Subcommittee last Thursday. I regret, however, that time did not allow a sufficient opportunity to explore some questions raised by your testimony.

To complete our inquiry, it would be helpful to me and the other members of the Subcommittee if you could provide answers to the additional questions which follow. Chairman Macdonald has advised me that the hearing record will be kept open until August 4, so if you could submit your response to me by that date, I would be most appreciative.

1. Do you feel that the FCC and the FTC have the combined statutory authority today necessary to regulate television advertising practices aimed at children? If not, what additional authority should Congress grant?

2. Do you feel that there is need for regulation by the FCC and the FTC, or self-regulation by the broadcasting industry, of commercial advertising at times when large numbers of children are watching programs not specifically intended for children? If not, why not? If yes, what sort of regulation should there be? The same that applies to advertising on children's television programs?

3. Why are stations exempt from reporting on commercial practices during hours when re-runs of programs originally produced for adult audiences are broadcast to audiences comprised of large numbers of children? I refer here to programs such as "Hogan's Heroes" and "Bewitched" which are shown on many stations at 5:00 PM.

4. On page two of your prepared statement you refer to "an understanding" between the FCC and the FTC with respect to the jurisdiction of each agency as it relates to children's television programming. When was that "understanding" reached? Was it reduced to writing? Who was party to it? If it was never formalized, could you provide the Subcommittee now with a statement summarizing your understanding of the "understanding?"

5. On page four of your testimony, you state that an economic analysis of children's advertising practices by the FCC indicated that the volume of advertising on children's programs could be reduced without jeopardizing revenues. Could non-program material be reduced below the 9½ minute standard set by the NAB without jeopardizing revenues? To what level could commercial adver-

6. To what extent is the Fairness Doctrine applicable to broadcast advertising? Does it apply to advertisements that explicitly raise controversial issues? To those that raise such issues implicitly? To those that make claims based on scientific premises that are in dispute? To those that are silent about negative aspects of the advertised products?

7. If the Fairness Doctrine does not apply to product advertisements, should it be re-defined, by legislation if necessary, to cover advertisements which fall within the above categories?

8. What research, in your opinion, still needs to be done with respect to the effects of television advertising on children? Who should bear responsibility for doing such research? What should the FCC's research responsibility be?
tising be reduced?

9. What action does the FCC plan to take as a follow-up to your testimony before the Communications Subcommittee?

Again, many thanks for your cooperation with the Subcommittee. We look forward to receiving your response.

Best wishes,

Sincerely yours,

Timothy E. Wirth, *Member of Congress.*

Federal Communications Commission,
Washington, D.C., August 4, 1975.

Hon. Timothy E. Wirth,
House of Representatives,
Washington, D.C.

Dear Mr. Wirth: In response to your letter of July 21, 1975, I am enclosing our responses to your questions on the subject of advertising to children.

If I can be of any further assistance in this matter, please feel free to contact me at any time.

Sincerely yours,

Richard E. Wiley, *Chairman.*

Enclosure.

1. The Commission believes that it has ample authority to regulate the level or amount of advertising on television. See *Children's Television Report and Policy Statement*, 50 FCC 2d 1, 10-11 (1974). Also, under Section 317 of the Communications Act, the Commission has authority to require that stations maintain an adequate separation between advertising and programming.

Id. at 14-15. The Federal Trade Commission would be in the best position to assess the adequacy of its statutory authority to regulate the content, deceptiveness and unfairness of advertising.

2. Under the self-regulatory provisions of the National Association of Broadcasters' Code, standards concerning the level of advertising are the same for programs with the largest child audience (those in prime time) as for the Saturday and Sunday programs designed specifically for children. In past years, host selling was a common practice in programs designed for children. As you know, this practice has now been prohibited. Host selling has not generally been seen as a significant problem in prime time. The FTC would be the most appropriate agency to respond to questions concerning the possibility of other reforms relating to the content of advertising matter.

3. As noted above, the programs most watched by children—prime time shows—are covered by the same NAB commercial time standards that apply to weekend children's shows. While it is possible that syndicated programs which are not designed for children may have significant child audiences in some markets, it is felt that the most important child viewing periods are covered by present code provisions.

4. This agreement was reached last year between the Chairmen of the two agencies. Both agency Chairmen testified about their respective obligations during oversight hearings before the Subcommittee on Communications of the Senate Commerce Committee in March of 1974 (Chairman Engman at p. 314 on March 14; Chairman Wiley at pp. 92-95 on March 27). The agreement was predicated upon a mutual desire to avoid a duplication of efforts, and it was felt that there was no need to reduce it to writing. The substance of this understanding is that the FCC will focus on commercial time standards and on the maintenance of an adequate separation between commercial and program material (e.g., host selling and tie-ins); the FTC will have primary responsibility for matters concerning the content, deceptiveness and unfairness of advertising.

5. To our knowledge, there is no exact or scientific method of predicting the economic consequences of such regulations. Generally, however, it might be expected that significant further reductions could have an adverse impact on some television broadcasters—particularly on independent UHF stations. Also, it is possible that such reductions could have the effect of discouraging stations from programming extensively for children.

6. The Fairness Doctrine applies to those advertisements which contain a meaningful discussion of a controversial issue of public importance. This matter is discussed fully in paragraphs 59-76 of the Commission's July 12, 1974 *Fairness Report*. A copy of this document is enclosed for your information.

7. We do not believe that it would be desirable to extend the fairness doctrine to cover the types of advertising mentioned in your letter. As one commentator has stated, "it is hard to imagine a product commercial so pure that it would not be viewed as implicitly raising some controversial issue or resting upon some disputed scientific premise or remaining silent about negative aspects of the product." Putz, *Fairness and Commercial Advertising*, 6 U.S.F.L. Rev. 215, 246 (1972); see also *Fairness Report, supra*, paragraph 72.

8. As indicated in our testimony, we will examine various research possibilities and, after this examination, will be pleased to discuss this matter with representatives of your Subcommittee.

9. We are presently looking into the possibility of hiring one or more children's television specialists to augment our existing Children's Television Task Force (which includes representatives of various Commission Offices and Bureaus). As noted above, we will examine the areas in which further research may be necessary or appropriate. In addition, we plan to have further discussions with the FTC concerning liaison between the two agencies.

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., August 15, 1975.

Hon. TORBERT H. MACDONALD,
Chairman, Subcommittee on Communications, Committee on Interstate and Foreign Commerce, Washington, D.C.

DEAR MR. CHAIRMAN: I am returning herewith the corrected transcript of the Commission's testimony given at the hearing on Children's Television Advertising held July 17, before your Subcommittee.

With regard to the existing FTC-FCC liaison, I am enclosing a copy of the formal agreement entered into by the two agencies in April 1972. Under its terms, the Federal Trade Commission will exercise primary jurisdiction over all matters regulating unfair or deceptive advertising in all media including the broadcast media; and the Federal Communications Commission will continue to take into account pertinent considerations in this area in determining whether broadcast applications for license or renewal of license shall be granted or denied. Designated as the liaison officers are the General Counsels of the respective agencies. Further discussions have made it clear that the FCC will focus on commercial time standards and on the maintenance of an adequate separation between commercial and program material, and the FTC will have primary responsibility for matters concerning the content, deceptiveness and unfairness of advertising.

As to children's television, the following Commission personnel are actively concerned with this subject;

> Paul Putney, Assistant Chief, Broadcast Bureau; Jonathan David, Broadcast Bureau; Charles H. Bell, Office of the General Counsel; Lawrence Secrest, Administrative Assistant to the Chairman; and Robert Blau, replacing Dr. Alan Pearce as an economist in the Office of Plans and Policy.

In addition, we are in the process of selecting an additional person in the Office of Plans and Policy, who will have full time responsibilities in this area. Because of my personal interest in this subject, I will continue to serve as an ex-officio member.

In our budget for fiscal 1977 we have requested seven additional positions at the professional level in the Office of Plans and Policy. Two of these will be policy analysts who, along with other duties, will be available as needed to devote attention to the children's television area.

Also attached for the record are responses to questions submitted after the hearings by Congressman Wirth.

Sincerely yours,

RICHARD E. WILEY, *Chairman.*

LIAISON AGREEMENT BETWEEN FEDERAL COMMUNICATIONS COMMISSION AND THE FEDERAL TRADE COMMISSION

Whereas the Federal Communications Commission has been directed by Congress to regulate the broadcast media so as to assure that the public convenience, interest and necessity are being served; and

Whereas the Federal Trade Commission has been directed by Congress to prevent unfair trade practices and unfair or deceptive acts or practices in commerce; and

Whereas a significant amount of the Federal Trade Commission's efforts is directed to insuring that its responsibilities are met as to advertising on the broadcast media, and to the elimination of unlawful restraints within the meaning of Title 47, § 313 of the United States Code; and

Whereas, with the exception of advertising for prescription drugs regulated by the Food and Drug Administration and of those exceptions spelled out in Section 5(a)(6) of the Federal Trade Commission Act, the Federal Trade Commission has primary responsibility with respect to unfair or deceptive commercial advertising; and

Whereas the Federal Communications Commission, under the Communications Act of 1934, as amended, has the responsibility to determine that the overall operation of its broadcast licensees is consistent with the public interest, convenience, and necessity; and

Whereas further from time to time matters of particular interest to both agencies may require the exchanging of views between appropriate members of the staffs of both agencies:

Therefore, it is hereby agreed that:

The F.T.C., pursuant to its legislative authority, will exercise primary jurisdiction over all matters regulating unfair or deceptive advertising in all media, including the broadcast media; and

The F.C.C., pursuant to its Congressional mandate, will continue to take into account pertinent considerations in this area in determining whether broadcast applications for license or renewal of license shall be granted or denied and in the discharge of other statutory responsibilities.

It is further agreed that:

In order to provide for more effective exchange of complete information so that both agencies will be utilized to the maximum effectiveness in the public interest, each agency will designate a liaison officer to serve as the primary source of contact. These liaison officers will be responsible for currently informing each other of proposed proceedings and of internal developments in areas of joint concern to the extent that such information is not privileged. Formal liaison meetings between appropriate senior officials of both agencies to exchange views on matters of common interest and responsibility shall be held from time to time as determined by such liaison officers to be necessary.

Designated Liaison Officers:

a. *Federal Trade Commission*—The General Counsel of the Federal Trade Commission.

b. *Federal Communications Commission*—The General Counsel of the Federal Communications Commission.

This agreement, when accepted by both parties, covers an indefinite period of time and may be modified by mutual consent of both parties or terminated by either party upon thirty (30) days' advance written notice.

Approved and accepted for the Federal Trade Commission.
Approved and accept for the Federal Communications commission.

MILES W. KIRKPATRICK,
Chairman, Federal Trade Commission.
Date: April 25, 1972

DEAN BURCH,
Chairman, Federal Communications Commission.
Date: April 26, 1972.

Mr. WIRTH. Let me ask you, Mr. Wiley, about the openness of FCC meetings, the Commissioners' meetings. This is not really related to this specific hearing, but this is something that we have had prolonged correspondence on.

If you will remember, we wrote you about this in March, and a month later we got a response from you saying that you expected a decision in the relatively near future. At this point, I wrote you back, and said that various people had different interpretations of what "the relatively near future" means, and what might be the date on which you would make a decision. You said that this would be on the FCC docket of July 9.

Mr. WILEY. On July 9, President Ford had planned to hold his meeting with the regulators. It was subsequently delayed to July 10. It is now scheduled within the next 2 weeks.

Mr. WIRTH. What is your position?

Mr. WILEY. I have not raised the issue with my colleague. I am going to defer my final decision until I meet with them as to what action we should take.

As I indicated to you, the subject will be discussed by the Commission within the next 2 weeks.

Mr. MACDONALD. For informational purposes, I point out that the request that we sent down for the updating of the processes of the FCC will be the subject of a hearing, and not just a letter, as to whether or not they are going to hold open meetings.

There are many, many other matters that are contained that we will hear from you as soon as possible. Failing that, we are going to hold hearings to find out the whole thing.

Mr. WIRTH. I think that you ought to be commended on this kind of aggressive oversight, which is exactly what we should be doing.

Mr. Wiley, let me turn very briefly, if I might, to more of the subject of this set of hearings, and let me make a supposition. Suppose for a minute that the television stations were to allow all of this 9½ minutes of commercial advertising time to be devoted exclusively to selling candy. Would the FCC have the authority to curtail that kind of a practice?

Mr. WILEY. I think that it would be questionable whether we would have the authority. For example, if a station did nothing but play some kind of record throughout its period, would that actually be serving the public. The determination would have to be made on an overall basis of whether the station was meeting its public interest responsibilities.

I don't know that because they had 9½ minutes of advertising time devoted entirely to candy, that this would mean that they would have their license revoked, but I think that it would impact on their public service responsibilities.

Mr. WIRTH. You could then move in on that firm, and suggest to them that this was not an appropriate practice.

Mr. WILEY. I question whether or not the FCC has specific authority to say that you can and cannot advertise a particular product that is legally sold. In the cigarette area, Congress took that product off the airways.

Whether the Commission could say that a product legally sold in this country could not be advertised is a question for the Federal Trade Commission, for example, the question of harmful products is something that the Federal Trade Commission is looking into. It is more within their area of jurisdiction.

Mr. WIRTH. You have been quoted as saying that any product that is legal in commerce is legal to advertise on television. Is that right?

Mr. WILEY. What I have tried to suggest is that a more appropriate way to handle these more difficult situations is to consider whether or not the product should be sold in this country.

I have not spoken of the kind of advertising that should be on children's television. I have specifically made such public comments that broadcasters and advertisers should be concerned about what kind of advertisements are being given to children.

Whether they are indicating the need for a balanced diet, for example, and not just candy. The need not to have certain kinds of extremely harmful products advertised during children's programing.

Mr. WIRTH. So it is a concern that the FCC has and that the industry should have, what is marketed to children over television.

Mr. WILEY. Yes, I have that concern. Now whether the Commission has the specific legal authority to take specific action is another thing.

As I have already mentioned, one role that the Commission can play is to serve as a catalyst for industry. This is an area in which I would say improvement would be required.

Mr. WIRTH. I appreciate that. The question that obviously follows from that is, do you feel there is a need for regulation by your Agency or by the FTC, or self-regulation by the industry of commercial advertising at times when there are large numbers of children watching programs not specifically intended for children.

Mr. WILEY. My understanding is that the Federal Trade Commission has that question on their docket, and Chairman Engman so testified.

Mr. WIRTH. Should the FCC do anything about that? Presumably you are talking about times on television, and your authority is times, and their authority is substance.

Mr. WILEY. The important thing is not to have specific Federal agencies duplicating the work that is being done. I don't think that overlapping regulations would be wise in this area. We are completely aware of Mr. Engman's involvement in this area, and we are watching for the outcome.

Mr. WIRTH. Are you studying that issue at all?

Mr. WILEY. We are waiting to see the Federal Trade Commission's results because this is an area where they have indicated, both publicly and privately, that they are working.

Mr. WIRTH. When is the Federal Trade Commission going to have results?

Mr. WILEY. I don't know if it was mentioned in his statement. However, this was one of the areas that he ticked off in his testimony.

Mr. WIRTH. At this point, the FCC is devoting no time, analysis, or attention to the problem of viewing hours, and what is advertised in viewing hours, when it is not primarily a children's program, but where children make up a very large proportion of the audience.

Mr. WILEY. When ACT came to the Commission 4 years ago, we started the docket based on their input. The specific definition that they had for children's television is the definition that we have adopted, "programs specifically designed for children." We know children watch television at all hours. In fact, I think Mr. Schneider indicated——

Mr. WIRTH. We have been through all of that many, many times. Hundreds of thousands watch at midnight, and so on.

The issue is the next step up from Saturday morning or Sunday morning programs, to afternoon and "family time" programs. "Family time," for example, was discussed by the president of the CBS Group, for example.

He told us that CBS had no intention of changing any, as I understood him, changing any advertising practices during family viewing time, despite the fact that this was family viewing time.

Presumably, our famous Drano, Sominex, or aspirin could be advertised, and presumably would be advertised, at that time. The question is, is that appropriate or not?

Mr. WILEY. I will respond this way. It seems to me that one has to consider several questions. No. 1, should the kind of advertising be changed because some children are watching. No. 2, should the kind of programing be changed because children are watching. No. 3, what is the effect of having an adult watch the program with a child.

I think that these are all good questions. Also, what is the effect of watching a Drano ad on children. There is research that is going to be done, and needs to be done, I think.

Those are questions that the Federal Trade Commission is trying to address. Mr. Engman specifically spoke to those questions, and we are waiting to see what the outcome of its studies will be.

I am not presently studying the precise issue that Chairman Engman is studying. I don't think that overlapping studies of that kind would be useful at this time.

Mr. Wirth. You don't feel that there is FCC jurisdiction, interest, and concern in that area of questions, which I think you very well phrased?

Mr. Wiley. It may be very difficult for the FCC to say that an ad should not be run during a particular time of the day. Under our jurisdiction, this may be difficult.

I am not saying that this jurisdiction does not exist, because it may. I think the Federal Trade Commission and the Federal Communications Commission have had an understanding, both internally and with this Congress, as to the areas into which we would break up this important area.

The Federal Trade Commission currently has this subject on its docket, and is studying it. I would expect that within a reasonable amount of time, we would have some input from the FTC.

I think that you raise a legitimate question as to whether in areas where large numbers of children are watching, particularly harmful drug ads, or ads that some people would consider harmful, should be run.

I think that one of the problems is that the FCC does not have the jurisdiction, perhaps, and definitely the expertise to decide what the effect of watching an aspirin ad is on children. I think that this is the problem.

Mr. Wirth. You are saying to me that you are leaving all of that to the FTC, because all of that is their responsibility and not your responsibility.

Mr. Wiley. I am awaiting the result of their docket.

Mr. Wirth. When is their docket going to be done? Two years from now; next month?

Mr. Wiley. I would suggest that this is a question that you might want to put to Chairman Engman.

Mr. Wirth. It seems to me that if it is a question of concern to you, you ought to know when it is going to happen, and if it's not going to be happening for 3 years, it is something that you ought to initiate action on.

Mr. Wiley. Did you ask Chairman Engman that question?

Mr. Wirth. No. I did not ask Chairman Engman that question. You do not know?

Mr. Wiley. I do not know.

Mr. Wirth. One final question, Mr. Chairman, if I may.

On top of page 7 of your statement, you state: "We have also left the docket open in the children's television proceeding to facilitate an evaluation of the overall effectiveness of industry self-regulation." When do you expect to have some conclusion on that?

Mr. Wiley. We are going to have to see whether or not, as we get the renewal forms, there is any incidence of excesses about the commercial limits of the NAB and INTV Industry Codes.

Mr. Wirth. When will they come back to you?

Mr. Wiley. They will be coming in as the stations file for their renewals, and we will review each one and see whether there are any excesses.

Mr. Wirth. When do you expect to have full evaluation? You talk about "full evaluation."

Mr. Secrest. The evaluation will not begin until after January 1, 1976, when the code is fully in effect. We will receive reports on a staggered basis as license renewals come in, starting with that date.

Mr. Wirth. When do you expect those to come in?

Mr. Secrest. You would have one-third of the stations in the country, approximately, reporting within the first year. We should have some pretty good sample.

Mr. Wirth. So what you are saying, Mr. Secrest, is that full evaluation might occur 3 years from January 1, 1976. By that time you will have a full evaluation.

Mr. Secrest. You might have a fairly good idea of compliance within the first year, I would think.

Mr. Wirth. I could make an interpretation from all of this, Mr. Wiley, on the basis being laid on the FTC without any sense of when they will be done, and so forth, which we discussed a little bit earlier. Now we are talking about full evaluation 3 years from January. You are not going to be in any position of doing anything, or considering any kind of analysis, for at least 3 years.

Mr. Wiley. You could make that assessment, but it would be wrong.

Mr. Wirth. It would be wrong? So, what kind of deadlines have you set as to a time?

Mr. Wiley. As Mr. Secrest indicated, at the end of 1 year we would be able to tell.

Mr. Wirth. If, after full evaluation, it appears that industry action has been ineffective, and full evaluation is 3 years from January 1.

Mr. Wiley. May I respond? I would seriously question that there would be many television stations in this country that would commercialize beyond the limits set by both the NAB and INTV because most of the stations are covered by either NAB or the INTV.

I think that most stations recognize, because of the Commission's very strong statements in our policy statement and report, that we would ask each licensee to give us a full and detailed explanation as to how such overcommercialization squares with their public interest responsibilities.

At the end of the first year, if we find that a good portion of the industry is overcommercializing—I would be very surprised by that, but I cannot be a guarantor for it—we would then have to reevaluate our position.

While I don't have the precise date by which the Federal Trade Commission is going to complete its study, based on the testimony and conversations that I have had with Mr. Engman, I know that this is something that they are currently reviewing and is currently on their docket.

Mr. Wirth. I don't want to leave the impression that this is something off in the distance for us to look at. The Commission in the last year has taken some very strong action in this area. I think that you have to see, once you take an action, what the effect of the action is.

Mr. Wirth. I agree with that completely. I wonder what kind of a time frame would go into that evaluation, just what the NAB code is doing, and some of the other things that Mr. Engman was suggesting yesterday ought to be done.

He said that there were certain things that the NAB code did not cover that he thought ought to be covered. This was a concern as well.

Mr. **Wiley**. This point is a very logical one, if you have a particularly harmful drug that is being advertised, and you have large numbers of children watching it, should this be a concern?

I think that Mr. Engman ticked off some questions that impact on this. There is also the fact of adults watching with children in the evening, which you don't have on a Saturday morning time frame. What effect that has, I don't know, but I am going to watch very carefully the results of the FTC study in this area.

We are going to continue to have oversight on this area because children are an important audience. So, this is not something where the FCC has acted, and now can sit back on its laurels, nor can this Congress, and I don't want to leave that impression with you or anyone else.

Mr. **Wirth**. Thank you, Mr. Chairman. I think that I have used more than my share of time, and I appreciate your generosity.

Mr. **Macdonald**. I would like to say, among other things you raised, I am not going to keep you one second longer. We have an attorney general representing other attorneys general, and I would like to have him on.

I would like to point out one thing that Mr. Engman brought out. I don't know whether you read his testimony, but I did not think that it would thrill you. It is the matter of advertising during so-called family viewing periods. I am not going to go into that.

Mr. **Wiley**. The family viewing hour, which is quite a step forward, is going to raise some questions that we, perhaps, have not had before. Mr. Wirth, I think, has very logically touched on that. Whether it changes the parameters of advertising in this area, and whether it raises a new question that the FTC is going to have to look into is something that must be considered.

What I hope to obtain is some further guidance from the sister agency as to the effect that advertising these products has on children.

Mr. **Wirth**. Mr. Chairman, may I have just 1 minute.

I think that it would be the sense of the members of the subcommittee that you would be working very closely with the FTC on that.

Mr. **Wiley** I understand it, and it is well taken.

Mr. **Macdonald**. Thank you both.

Mr. Frey is recognized.

Mr. **Frey**. I hate to interrupt this dialog, Mr. Chairman.

I am going to use the rest of my 5 minutes to inquire of Mr. Wiley about his openness. I know that he has worked very hard on this, and I wish him good luck in all areas of his pursuit.

I have a couple of comments. I think that it is extremely important that we do get some more coordination. I am hopeful that this coordination doesn't just take place with only the administrative agencies.

To a certain extent, I don't look at this as an adversary kind of situation. By that, I mean, if you get everybody to sit down, one way or another, the advertiser, the broadcaster, the agencies, et cetera, I don't think that there is one person there who would vote to have a kid drink Drano. I just don't think that you have that problem.

Yet, when we approach that problem, to a certain extent, it seems that it comes right away to an adversary kind of a situation.

There has never been a council, or any kind of a meeting, as we have in certain other areas, where you can get together and try to figure out if there is a way to do it within certain parameters.

I don't think that in the administrative agencies we have a broad enough group meeting. I think that there are a lot of ways this could be done.

I personally hope that we do not have to pass any regulations. I don't think that it is the way to go, but it also is clear to me that unless everybody joins in, and that includes the administrative agencies and the industry, unless we get cranked in on the knowledge and the research, we will have Government regulations.

So let me leave if nothing else, that one particular message. As far as my personal feeling, I hope that we can see some movement in this area.

We certainly appreciate your coming, and we think that you are doing a good job. I hope that you are not around for 18 months, but I would like to see you for 18 months plus 4 years. With that, I yield back my time.

Mr. WILEY. Let me say this. I think that this idea of Government sitting down and talking with the industry about such problems is not a bad idea at all. This is what my plan was. Some people have called it regulation by clenched fist rather than raised eyebrow. I don't agree because the industry sometime has to have a catalyst to bring them together to discuss problems.

It is like violence, most people agree that showing a person being raped right on television could be a very tumultuous and upsetting experience for young children. How do you solve the question of the violence? This is the way that our discussions went on violence, which developed into the family viewing situation.

I think that more can be done in this area as far as children's advertising is concerned. Your comment is well taken.

Mr. FREY. I hope so, and I would rather do it this way than with some sort of an arbitrary or perhaps capricious legislation.

Mr. MACDONALD. We thank you very much, and we leave you with this question that you can answer now or later.

As you are waiting, understandably, to see how some of these things turn out, as you have indicated you are, as are most of us. Do you feel that you need any further statutory help from the Congress in any areas that would give you a lift in your eyebrow-clenched fist?

Mr. WILEY. At this point, I don't believe so. It may be, subsequently, depending on the state of the research, that it may be required.

Let us assume that the commercial reductions don't work, and the industry continues to commercialize beyond the limits that we have hoped will be set. Then, if there is some question of FCC authority in this area to regulate the amount of commercials, we might have that vote in Congress. It might be something that would have to be changed.

Right now, I think that we have the authority to assert jurisdiction. I am hopeful that self-regulation will do it, and I think that you are, too.

Mr. MACDONALD. You have a different person handling the bill on the Floor, and your story will get across. It will not get wrapped up in a bunch of other regulatory agencies who sometimes have views.

Mr. WILEY. We have challenged the industry to see what they are going to do about children's television. If they can do the job, then it is going to avoid the necessity for further Federal regulations, and Federal legislation. If they cannot, then we are going to have to take further action, and you will have to, also. We will be glad to work with you, if that need arises.

Mr. MACDONALD. We have always worked together in the past, and we will continue to do so. I am not saying that everything that is said will materialize, but we will have to keep trying.

Thank you both very much.

Our next witness to whom I offer my apologies for having kept him here so long, but the circumstances were beyond anybody's control, is Mr. Bellotti.

I have known Mr. Bellotti for a number of years. He is very well respected in the State of Massachusetts. He has been elected to a number of offices within the Commonwealth. He is a credit, in my judgment, to the Commonwealth. I am delighted to have him here this morning with the information that he bears.

As I understand it, you are also representing other attorneys general as well. Is that correct?

Mr. BELLOTTI. 13 others.

Mr. MACDONALD. This meaning 14 States.

Mr. BELLOTTI. 14 States at the moment, and there may be more. We just got another one yesterday, who wanted to sign the petition. I anticipate that I probably will be representing 20 States, which will be close to 60 million people.

Mr. MACDONALD. Thank you very much. Please proceed with your statement.

STATEMENT OF FRANCIS X. BELLOTTI, ATTORNEY GENERAL, COMMONWEALTH OF MASSACHUSETTS

Mr. BELLOTTI. I have, as do the other attorneys general in the other States, a concern with a little more narrow issue, and that is the advertising on television of over-the-counter drugs.

I am inclined to agree with Mr. Wirth, and probably disagree with my interpretation of what the chairman said.

Mr. MACDONALD. I hope that you are talking of Chairman Wiley.

Mr. BELLOTTI. I am talking of what Chairman Wiley said, that the FCC has a concern and has authority and has obligations relevant to the content of television advertising in this particular area, and I believe the law so states.

I also believe that with the commitment, a great many of the things that we seek to accomplish can be accomplished. I think that children are a very, very special problem. I believe that the petition that we file this morning, which would at least regulate or bar "over-the-counter" drug advertising between 6 a.m., and 9 at night—let me depart from my prepared remarks for just a moment.

Both as Attorney General and throughout my history as a trial lawyer for some 22 years, I have always felt that there was a very direct relationship, both intuitively, by statistics, and from the experience that I had in the trial of cases, that there is a very close relationship between the proliferation of drug advertising and the fact that some pharmaceutical companies manufacture some 8 billion barbiturates and amphetamines in this country in a year, which is enough for a 4 month supply for each man, woman, and child in this country.

You have to infer, logically, that many of these find their way into illegal traffic, and to young people. There is a very direct relationship, in my judgment, between this very sophisticated type of advertising on television and the affinity that young people have to an addiction to pills of all kinds. You have a pain pill with a pleasure syndrome that makes everything go away.

Maybe the FCC cannot control completely the content of advertising, but they have a great deal to say about what has happened.

We, in Massachusetts, are particularly concerned about the short and long-term impacts of over-the-counter drug advertising and what its effects are on children. We believe that the Federal Communications Commission has the authority and the responsibility to insure that children are protected from the aggressive marketing of over-the-counter drugs.

The Federal Communications Commission agreed in its Children's Television Program Report and Policy Statement in 1974, that broadcasters have a special obligation to serve children, and they do.

I think that part of the resources of the FCC should be directed and categorized in this particular area. I do not mean some of the time of some of the people. It should be an area of particular expertise. It should be an area of resources and an area of energy in this particular direction, if we are ever going to solve this problem.

I believe this responsibility extends not only to commercials, which appear on programs initially designed for children, but to the commercials used to sponsor other shows children actually watch.

I think that it is very easy to categorize where children watch programs. The "children's programs," so-called, where the industry in its self-regulation has indicated that these are programs where over 50 percent of the children view on Saturday and Sunday morning, and this may be over 50 percent of the viewing audience of those particular programs, but many more children numerically watch the "family" type programs.

As a matter of fact, 90 percent of what children watch is not the Saturday and Sunday morning programs, it is the hour type programs.

In this particular area, the Federal Communications Commission has broad responsibility and authority to regulate broadcasting in the public interest. Maintenance of public health is one such responsibility. There are two cases which I cite in my remarks, and in the petition, which go directly to the matter.[1]

A few years ago, the Commission indicated a concern about the promotion of the drug culture ethic on rock music radio shows. In response, the Commission forced off the air all songs with lyrics relating to drugs. So they have exercised some jurisdiction in this particular area. Yet, to date the Commission has appeared hesitant—and I still get the feeling of some hesitancy in listening to the Chairman of the FCC this morning for some 2 hours—on this particular area, to promulgate any rules or regulations that would restrict or ban over-the-counter drug advertising which children see daily over television.

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[1] *Banzhaf* v. *Federal Communications Commission*, 405 F. 2d 1083, cert. denied 396 U.S. 843 (1968); *Friends of the Earth* v. *Federal Communications Commission*, 449 F. 2d 1164 (1971).

The industry has had some time, a little over 4 years, to regulate itself. I think that it is unrealistic to think that the television industry, which receives so much of its revenue as a matter of fact, 3 of the top 10 advertisers on television are drug companies—would be totally objective in its regulation.

I am indicating that it is very difficult when there is an inherent economic conflict built into the decisionmaking process. I find it very difficult to believe that they would go as far as they could go in a very firm or aggressive way to solve this particular problem, which I believe to be so important.

I think that the Commission in a policy statement with respect to Federal regulation of commercial advertising on products, stated that:

> It may be more appropriate to refer the matter to Congress for resolution. For Congress is in a far better position than this Commission to develop expert information on whether particular broadcast advertising is dangerous to health or otherwise detrimental to public interest.

This appears in volume 39 of the Federal Register, page 26381, July 18, 1974.

Now, I did not get the impression that this was the feeling of the Chairman as he was testifying. When you asked him if there was any need for further legislation, he indicated that at the moment there was not. I am not sure that there is a need for specific statutory legislation, but I do believe there is a very strong need for regulations emanating from the Federal Communications Commission.

You have to have oversight as career officials who are not involved with any economic aspects or are not appointed by any particular philosophy of government.

As Attorney General, I am aware of the alarming number of young people who have become victims of drug abuse. As a lawyer for some time prior to my election, I saw the effect that drugs had on young people and how many of their lives were irreparably destroyed. The Massachusetts Division of Drug Rehabilitation has estimated that 49.5 percent of teenagers have experimented with drugs, and that includes pills, amphetamines, and barbiturates. The division has also found that over 1,654 young people, under 15 years of age, are in drug treatment programs.

I think that a very interesting statistic is that the Massachusetts State Police Laboratory has confirmed that last year 12 persons had died of an overdose of heroin, while over 151 had died of barbiturates and barbiturate substitute drugs, including a substantial number of young people as young as age 15, and under.

I don't think that it requires a great deal of statistical analysis to just recall in our own mind that the advertisements of over-the-counter drugs glorify the ability of various pills to improve the quality of one's life. This has almost become a way of life, when you watch television. Madison Avenue, over the airways, encourages everyone, including children, to take drugs to get up, to stay awake, to stay slim, healthy and attractive, to eliminate minor pain or discomfort, and to go to sleep.

I filed this morning a petition with the Federal Communications Commission, and at the moment it includes the States of Alaska, Colorado, Delaware, Hawaii, Illinois, Maryland, Nebraska, New Hampshire, North Carolina, Pennsylvania, Rhode Island, and Wyoming, and now Maine.

For the past several years, the Federal Communications Commission has encouraged the industry to regulate itself in restricting advertisements of over-the-counter drugs to audiences of young people.

However, the National Association of Broadcasters' self-imposed guidelines on children's television currently apply, as I have previously stated, to audiences that are comprised of 50 percent or more children, which, again, are the Saturday and Sunday morning programs, which is actually about 10 percent of what children actually watch.

Nielsen ratings for 1974 indicated that the seven shows most frequently viewed by children were: "Emergency," "Wonderful World of Disney," "Planet of the Apes," "The Waltons," "Happy Days," "Apples Way," and "The Rookies," all early evening family shows. These shows have an audience of children that is between 6.7 million and 8.7 million children. The evening programs are, without question, reaching and influencing larger numbers of children than programs during the regulated time period.

Incidentally, the present self-regulation also does not cover the airing of network reruns of family programs. For instance, although "Hee Haw" is run at 10 a.m., on a Saturday morning in Boston, the television station was able to run ads for Geritol, Sominex, and Alka Seltzer because the program failed to fall within the broadcaster's notion of a children's show, it was a rerun.

The drug industry is a big industry in this country. Drug companies had sales of some $3.8 billion in 1972, which are the last statistics that I have, but I am sure that it is a great deal higher now. Also in 1972, they spent $313 million in advertising drugs on television, and in 1973, 3 drug companies which were 3 of the top 10 of television advertisers, alone spent over $108 million.

If you will look at it very carefully, the first 6 months of 1974, one out of every eight television commercials was devoted to drugs, and as long as the networks continue to accept large numbers of advertisements from the drug companies to promote over-the-counter drugs, I believe that it is really unrealistic to expect that they are going to impose any kind of meaningful regulation that is important here.

We very recently did a very random selection of a composite week, including the commercial logs of five local stations. One station broadcast as many as 51 over-the-counter drug commercials between the hours of 10 a.m. and 8 p.m.

Now, I am not indicating that the mere presence of over-the-counter drug advertising on television does encourage drug abuse in children. I am not saying that, but the current manner of presentation projects adult acceptance of the use of drugs as necessary to enable the average person to cope with the stresses of a normal day.

If you look at those commercial ads, you will see that inferentially you are not going to be able to make it through the day or the night unless you have one of these pills. These commercials depict, for example, an unhappy, irritable, sick person, who is suddenly transformed into a happy, calm, and healthy person merely by swallowing a pill. This approach to advertising of over-the-counter drugs has been labelled by Dr. Arthur Asa Berger of California State University as the "pain, pill, pleasure" model. Children, obviously, are not sophisticated enough to discount the magical quality given to drugs by commercial messages.

The fact that children are particularly susceptible to drug and health care advertising is demonstrated in a study conducted by Drs. Charles and Mary Ann Lewis of UCLA School of Medicine. The Lewises asked fifth and sixth graders to watch television and to describe the commercial message they viewed that related to health. Forty-seven percent of the children accepted all such commercial messages as true.

Out of the whole group, all of the children believed that 70 percent of what they saw in the commercial was true.

The Scientists' Advisory Committee report to the Surgeon General, in 1970, provides another indication of advertising's effect on children. Sixty-five percent of the 2-year-olds studied, frequently sang commercial jingles, although they did not understand the message being conveyed. They could recite them.

In 1973, approximately 27,500 people were poisoned by nonprescription drugs. This does not include the Drano that you referred to, and those other things that bring it to about 168,000.

Furthermore, the inherent dangers in the use of so common a drug as spirin are not commonly understood. Dr. Milton Silverman and Dr. Philip K. Lee, professors at San Francisco State University's Medical School, in their book, "Pills, Profits, and Politics," explained that aspirin always causes minor stomach and intestinal bleeding. In a normal healthy adult, such a minor loss is hardly noticeable and generally he or she suffers no harm from infrequent use. However, excessive consumption can lead to ulceration and anemia. These effects are compounded in children.

Rather than promoting an informed and careful use of these products, television advertising leaves children with the impression that those drugs are totally safe and harmless. I don't believe you even need statistics. I think that intuitively the reasonable person has to understand that.

I believe that children will have enough time to find out about the virtues of Geritol. I don't believe that we should allow children to be subjected to high powered advertising of products that they are too young and innocent to understand.

I suppose that my conclusion is that I hope that this committee will encourage the Federal Communications Commission to initiate a rulemaking proceeding dealing with over-the-counter drug advertising on television and, if necessary, propose legislation to deal with this area of concern.

This is basically what I had in my prepared remarks, Mr. Chairman.

Mr. Macdonald. Mr. Bellotti, I am pretty much in accord with your statement, but I am at the same time a little confused with whether or not the FCC does have the power.

Mr. Bellotti. May I address myself to that, Mr. Chairman?

In my petition, of which you have a copy, on page 6, we refer to that. Let me read some of the remarks.

> The Commission has broad authority to regulate broadcasting as the "public convenience, interest, or necessity" requires.

This is 47 U.S. Code 303.

> The Commission is further authorized to "make such rules and regulations and prescribe such restrictions and conditions, not inconsistent with law, as may be necessary to carry out the provisions of this chapter."

This is 47 U.S. Code 303.

> The Supreme Court of the United States has interpreted this mandate as requiring the Commission to play an affirmative role in regulating both program format and kinds of programs broadcast by licensees. See *Red Lion Broadcasting Company* v. *F.C.C.*, at 395 U.S. 367, 390, and 393.

This case was decided in 1969.

> The FCC itself has long recognized its authority to regulate advertising. Recently the Commission plainly observed that its "statutory responsibilities include an obligation to insure the broadcasters do not engage in excessive or abusive advertising practices."

This is the FCC Children's Television Program Report and Policy Statement, 39 Federal Register 39397, and 39399, November 6, 1974.

> As early as 1928, the Federal Radio Commission had pointed out that the "amount and character of advertising must be rigidly confined within the limits consistent with the public service expected of the station."

This is Great Lakes Broadcasting Co.

There is one other case, Mr. Chairman, that is important, which I would like to read a little bit of this to you.

> The same rationale for regulating too much advertising applies to the content of commercials in daytime and early evening shows which are regularly viewed by children.

In an opinion written by Judge Basil of the Circuit Court in Washington, D.C., in *Banzhaf* v. *F.C.C.*, 405 Fed. 2d 1082, D.C. Circuit (1968).

> "The FCC's authority over broadcast content was specifically at issue, and the court found that the Communications Act of 1934 requires the FCC to consider more than just technological considerations. It concluded that commercial content was a valid area of FCC concern and regulation."

So, I think that there is ample authority, Mr. Chairman. Those are the cases that address themselves to this issue.

Mr. MACDONALD. I am very familiar with several of them. I read the *Red Lion* case, which is quoted about everything because it had about everything in it.

We have been going back and forth with the FCC about whether or not they, indeed, had the authority to regulate program content. Everytime we get into that argument, the broadcasters especially, but others too, raise the first amendment, and say that the first amendment protects programs.

Therefore, I was trying to get a bite out of the apple during these hearings in trying to get them to say that they would differentiate between advertising products and the program content.

They did change some of the content a year ago, and it has been coming from the West, East pretty rapidly, but it was under very intuitous circumstances. The NAB was having a national convention here, and they were looking for license renewal of broadcasting, which would have extended their time for license renewal, and also Store, who owned the station on the west coast that had started all this, was amenable. He gave it no fight at the convention, and the convention endorsed that.

It became part of the code and did get the stamp of approval of the NAB Code. Most everybody fell in line. But these are all radio people.

The chairman of the full committee, Mr. Staggers, was very much opposed to this so-called "topless radio." Truly there were combinations in that topless radio that you would not believe, and this was all going out over the public airways.

The radio defenders said: "Well, this is what the public listens to, that station out there is one of the most popular during that time period." So everybody was starting to imitate it, including one of the stations in Boston, which was starting that way.

They put a stop to it, but it was not the FCC, although the FCC agreed that it was not for topless radio. They said that they would look into it, as they say about a lot of things.

With respect to the content of the programing, I am glad to have your petition. No. 1, as I indicated earlier, I agree with practically every single word you said. I especially agree with you about self-regulation. I don't think that it has ever been proven that self-regulation just comes about.

I don't want to repeat myself, but just to show that I agree with you, they push as far as they think they can go. Then, when somebody threatens them with something that they can see, they have a tendency to back off.

At first, I was a little puzzled by parts of your statement because all those over-the-counter drugs, such as barbiturates, and the things causing death, of course, are not advertised over the air. I quite agree with you that there is all this "take a pill."

Mr. BELLOTTI. It leads to that.

Mr. MACDONALD. I understand.

Mr. BELLOTTI. May I address myself to that question for a moment?

Although I have indicated and believe very strongly that the Federal Communications Commission has the authority to get into the content of commercials, that is not really what we are asking.

The petition, as you saw, specifically addressed the point. We are not asking them to do the content of the ads. The ads have the content already. What I am saying is that they can regulate the numbers and appearances of the ads, which does not give rise, in my opinion, to any first amendment problems.

The first amendment right in the area of commercial advertising is quite different from what it is for a statement or expression of opinion, generally, and it has always been recognized this way.

What we are really concerned with is the frequency and numbers of these ads during those hours when children watch television.

Mr. MACDONALD. They are being cut back. Theoretically, the code has gotten them to agree to it, but unfortunately only 60 percent of the broadcasters belong to the NAB. We are missing 40 percent, and you cannot listen to more than one station at a time.

Especially on radio, people have a tendency to listen to the rock and roll music, and the drug stuff that you are talking about. I think that this is a big loophole in self-regulation because even if followed to the letter, and I don't think that the letter is any too tough, but even if followed to the letter, which I doubt it will be, but even if it were, it still has an awful big hole left in it to get to the people that you are trying to protect, and those that the attorneys general in the States that you have mentioned are trying to protect.

I want to commend you for this petition. I would not have done this before yesterday, but I would send a copy to the FTC as well because this is one of the problems that we have had here today—not just today but during these hearings—that has developed, and it was to pinpoint the overlap between the two.

It gets to be sort of a "Who hit John" type of thing. One says: "It is not really us," and the other one says: "No, it is not really us." But I think that you will have covered the situation completely, if you send one to the FTC as well as the FCC. Then, they by no means can say that they were not put on notice.

We will follow up with both agencies, because we did not get satisfactory testimony from the FTC yesterday. I think that this could be due to a number of different things, including a new Chairman who had not testified before, apparently, and he was not directed to our points.

I agree with you, and most people do, that children need to be treated differently. They are a special kind of people. They are in the law, obviously, and they are by their parents, and they are by everybody, except advertisers.

I want to congratulate you on what you are attempting to do. I will also offer whatever help I can be to you, and to the association. I will be more than happy to be of service to you, and without overstating it, I think that I can be.

With this last question, and I know very well that you have to leave. This is the reason that I apologized to you earlier, and the reason why I did not catch that last vote. I know that you have to leave.

Are there any other product areas that bother you besides these over-the-counter drugs? I know that they do not bother you to the same extent because you would have mentioned them, but are there others that you think the FCC and the FTC should be doing something about on radio and television that they have not been doing?

Mr. **Bellotti.** There is another area. I think that another area is the advertising of cereals, and the way they are advertised. The way that they almost affect the exercise of free will by young people.

Mr. **Macdonald.** We have had several people who have been here several times on that very subject, and we have done what we can. I do think that they are getting a little better. How much better, I don't know.

Mr. **Bellotti.** There are a great many more things. I don't know how you get into it. Part of it is the FCC and part of it is the FTC, but when you start advertising candy bars, and such things that you should do between meals, that kind of thing.

There are a great many things, like the consumption of food products that have properties, that are not specifically stated, but inferentially they leave that feeling that these things have particular properties that are good for young people, make strong bones, that kind of thing.

This is an area where I think you are not going to get rid of a great deal of this because of the nature of the advertising business.

Mr. **Macdonald.** I agree with you that you have to take the shotgun or rifle approach, but there is a much better one and you have taken the right road. We will see how this comes out and we will go from there.

Once again I apologize for keeping you, but it has been a busy time.

Mr. Bellotti. I very much appreciate your allowing me to speak.

Mr. Macdonald. It was very nice of you to be here today, and without objection your petition, which was filed today with the FCC, will be received in the hearing record.

[The petition referred to follows:]

(Before the Federal Communications Commission, Washington, D.C.)

Petition of the Attorneys General of Massachusetts, Alaska, Colorado, Delaware, Hawaii, Illinois, Maryland, Nebraska, New Hampshire, North Carolina, Maine, Pennsylvania, Rhode Island, and Wyoming to Promulgate a Rule Restricting the Advertising of Over-the-Counter Drugs

I. INTRODUCTION

Pursuant to § 1.401 of the Commission's Rules, Francis X. Bellotti, the Attorney General of the Commonwealth of Massachusetts; Avrum Gross, the Attorney General of Alaska; John D. MacFarlane, the Attorney General of Colorado; Richard R. Wier, Jr., the Attorney General of Delaware; Ronald Y. Amemiya, the Attorney General of Hawaii; William J. Scott, the Attorney General of Illinois; Francis B. Burch, the Attorney General of Maryland; Paul L. Douglas, the Attorney General of Nebraska; Warren B. Rudman, the Attorney General of New Hampshire; Rufus L. Edmisten, the Attorney General of North Carolina; Robert P. Kane, the Attorney General of the Commonwealth of Pennsylvania; Julius C. Michaelson, the Attorney General of Rhode Island; V. Frank Mendicino, the Attorney General of Wyoming, and Joseph T. Brennan, the Attorney General of Maine, hereby petition the Federal Communications Commission to promulgate the following rule:

> There shall be no drug advertising broadcast on television between the hours of 6:00 A.M. and 9:00 P.M. The term "drug" as used in the rule means all substances so defined under the Food, Drug and Cosmetic Act as amended.

Petitioners further request that the Federal Communications Commission hold a hearing on the proposed rule. At the present time, the absence of Commission-promulgated standards and the reliance on industry self-regulation has resulted in broad scale advertising of over-the-counter drugs to audiences composed of large numbers of young children. Common sense dictates that certain programming is only appropriate for adult viewing on late night television. Broadcasters themselves have recognized this responsibility and have aired such sensitive films as "Who's Afraid of Virginia Woolf" in the post 11:30 P.M. time period. Petitioners seek to formalize this concept by promulgation of a rule or regulation eliminating OTC drug advertising before 9:00 P.M. Petitioners do not seek to forbid such advertising altogether, nor do petitioners seek to restrict the content of these commercials, but rather to restrict OTC drug commercial messages to an audience which is equipped to evaluate and digest sophisticated drug advertising.

II. INTERESTS OF PETITIONERS

Petitioners are the Attorneys General of Massachusetts, Alaska, Colorado, Delaware, Hawaii, Illinois, Maryland, Nebraska, New Hampshire, North Carolina, Pennsylvania, Rhode Island, Wyoming, and Maine acting on behalf of the public interest of the citizens of their respective states, especially those children under twelve years of age. This is a valid exercise of their authority to secure the health, safety and general welfare of those persons. It is also well established that the states, represented by their Attorneys General, may initiate legal actions on behalf of their citizens as *parens patriae*. See *Georgia* v. *Pennsylvania Railroad Co., et al.*, 324 U.S. 439 (1945).

State Attorneys General are particularly well suited to represent effectively the consumer interests of the citizens of their states. Since state Attorneys General are either elected or appointed by the Governors, they represent the broadest based group of consumers. In *Office of Communication of the United Church of Christ* v. *FCC*, 359 F. 2d 994 (D.C. Cir. 1966), the District of Columbia Circuit Court of Appeals held that consumer groups have the right to intervene in FCC licensing proceedings on their own behalf and on behalf of other television viewers in the state. The court noted that "unless the listeners—the broadcast consumers—can be heard, there may be no one to bring programming deficiencies or offensive overcommercialization to the attention of the Commission in an effective manner. . . ." *Id.* at 1004–05.

III. THE PROPOSED RULE

The petitioners' proposed rule would prohibit the advertising of drugs on television before 9:00 P.M. The basic thrust of the rule is to partially insulate children from sophisticated advertising of drugs. Accordingly, the rule regulates only the time period during which over-the-counter drug commercials may be aired as opposed to the specific content of the advertising. Under the proposed rule, drug companies have ample air time to advertise. At the same time, children will be protected from advertising which they are ill-equipped to digest or discount. This approach strikes a fair balance between public interest requirements and First Amendment rights of broadcasters.[1]

Promulgation of petitioners' regulation should not significantly affect broadcasters' revenues. Unlike an earlier petition brought by Action for Children's Television (ACT), which sought the total elimination of all sponsorship and commercials from children's television shows, the instant proposal preserves the right of broadcasters to sell advertising time throughout the day and evening. The time slots now used for drug advertising can be sold to advertisers of other products and services. In addition, over-the-counter drug advertisers would inevitably shift much of their current advertising to the post 9:00 P.M. time period[2] ameliorating any adverse economic consequence to broadcasters.

IV. THE FEDERAL COMMUNICATIONS COMMISSION HAS AMPLE AUTHORITY TO PROMULGATE REGULATIONS RESTRICTING ADVERTISING IN THE PUBLIC INTEREST

The Commission has broad authority to regulate broadcasting as the "public convenience, interest, or necessity" requires 47 U.S.C. § 303. The Commission is further authorized to "make such rules and regulations and prescribe such restrictions and conditions, not inconsistent with law, as may be necessary to carry out the provisions of this chapter." 47 U.S.C. § 303(r). The Supreme Court has interpreted this mandate as requiring the Commission to play an affirmative role in regulating both program format and kinds of programs broadcast by licensees. See *Red Lion Broadcasting Co.* v. *FCC*, 395 U.S. 367, 390, 393 (1969).

The FCC itself has long recognized its authority to regulate advertising. Recently, the Commission plainly observed that its "statutory responsibilities include an obligation to insure the broadcasters do not engage in excessive or abusive advertising practices". *FCC Children's Television Program Report and Policy Statement*, 39 Fed Reg. 39397, 39399 (November 6, 1974) [hereinafter, *FCC Children's Report*]. As early as 1928, the Federal Radio Commission had pointed out that the "amount and character of advertising must be rigidly confined within the limits consistent with the public service expected of the station." *Great Lakes Broadcasting Co.*, 3 F.R.C. Ann. Rep. 20, 32 (1929). Accordingly, the Commission has had little trouble over the years in concluding that it has the power to prescribe the maximum amount of time a licensee may devote to advertising. See *Commercial Advertising*, 36 F.C.C. 45 (1964); *WMOZ, Inc. et al.*, 36 F.C.C. 202 (1964); *Gordon County Broadcasting* Co., 24 P & F R.R. 315 (1962); *Mississippi Arkansas Broadcasting Co.*, 22 P & F R.R. 305 (1961).

The same rationale for regulating too much advertising applies to the content of commercials in daytime and early evening shows which are regularly viewed by children. In *Banzhaf* v. *FCC*, 405 F. 2d 1082 (D.C. Cir. 1968), the FCC's authority over broadcast content was specifically at issue, and the court found that the Communications Act of 1934 requires the FCC to consider more than just technological considerations. It concluded that commercial content was a valid area of FCC concern and regulation.

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[1] The Commission has expressly recognized that a restriction on the amount of time a broadcaster may devote to advertising does not constitute censorship or an abridgement of freedom of speech, and has further pointed out "that commercial speech has little First Amendment protection." *FCC Children's Television Program Report and Policy Statement*, 39 Fed. Reg. 39397, 39399, (Nov. 6, 1974). Also see, *Banzhaf* v. *FCC*, 405 F. 2d 1082, 1102 (D.C. Cir. 1968); *Valentine* v. *Chrestensen*, 316 U.S. 52 (1942); *Breard* v. *City of Alexandria*, 341 U.S. 920 (1951); In *Capital Broadcasting Co.* v. *Mitchell*, 333 F. Supp. 582, 584 (1971), aff'd 405 U.S. 1000 (1972), the Court upheld the constitutionality of the congressional ban on television cigarette advertising.

[2] Petitioners submit that the protection of children outweighs any concern for maintenance of broadcasters' revenues. However, the Commission has taken the position that the question of eliminating advertising must be balanced against any loss of revenues from the sale of commercial time. See 39 Fed. Reg. at 39399. Since the loss of revenues is likely to be small, if any, the balance is clearly tilted in favor of the proposed regulation.

One year after *Banzhaf* was decided, the Supreme Court also recognized the FCC's authority to regulate programming in *Red Lion Broadcasting Co.* v. *FCC, supra*. In *Red Lion*, the Supreme Court upheld the constitutionality of the fairness doctrine, and by doing so it implicitly recognized thta the FCC can regulate programming. The Commission itself has read this decision as permitting it to regulate "a wide range of programming responsibilities on the part of the broadcaster". *FCC Children's Report*, 39 Fed. Reg. at 39397.

The Commission's duty to assure that broadcasting is in the "public interest" requires that children be accorded specialized consideration. Since 1960, the Commission has recognized children's programs as a distinct category of programming. *Report and Statement of Policy Re: Programming*, 20 P & F R.R. 1901 (1966), and also recognized that licensees are expected to devote a certain percentage of air time to such programming. The Commission has recently reiterated this special responsibility to children in its *FCC Children's Report*, stating:

> It is a matter of common understanding that, because of their youth and inexperience, children are far more trusting of and vulnerable to commercial "pitches" than adults. There is, in addition, evidence that very young children cannot distinguish conceptually between programming and advertising; they do not understand that the purpose of a commercial is to sell a product . . . Since children watch television long before they can read, television provides advertisers access to a younger and more impressionable age group than can be reached through any other medium. (Citations omitted). 39 *Fed. Reg.* at 39399.

Because children are particularly impressionable and susceptible to the influences of television advertising, the Commission further concluded in the report that, "special safeguards may be required to insure that the advertising privilege is not abused. As the Supreme Court stated, '[I]t is in the interest of youth itself, and the whole community that children be . . . safeguarded from abuses'." 39 *Fed. Reg.* at 39399.

Similarly the Commission has special responsibilities to the public where the products advertised raise health hazards. In *Banzhaf* v. *FCC, supra*, the court emphatically stated that "the public interest indisputably included the public health." *Id.* at p. 1096. *Banzhaf* upheld the Commission's authority to require a licensee to devote a significant amount of broadcasting time to presenting the case against cigarette smoking. In *Friends of the Earth* v. *FCC*, 449 F. 2d 1164 (D.C. Cir. 1971) (dealing with the advertising of large automobile engines and hightest gasoline), the same court applied this principle and made it clear that product advertising which raised direct or "implicit" hazards to health also requires a public interest response on the part of the broadcaster.

Although *Banzhaf* and *Friends of the Earth* relate to fairness doctrine obligations, the rationale underlying these decisions—that broadcasters have a duty to protect the public interest with respect to health—applies with even greater force to advertising affecting the health and safety of children. Moreover, as the court pointed out in *Banzhaf*, the FCC's decision did not rest on the fairness doctrine alone, but was based on the Commission's authority to make public interest rulings under the public interest standard of the Communications Act and on the "licensee's statutory obligation to operate in the public interest," *Banzhaf, supra* at p. 1091.

In summary, it is quite clear that both the courts and the FCC have recognized the Commission's authority and duty to regulate advertising and programming format when so required by the public interest. The Commission thus has ample authority to promulgate the proposed rule.

V. SELF REGULATION BY THE BROADCAST INDUSTRY OF OVER-THE-COUNTER DRUG ADVERTISING IS INADEQUATE

In response to various hearings and investigations regarding drug advertising practices,[3] in June 1974 the Code Authority of the National Association of Broadcasters adopted a set of guidelines for voluntary self-regulation of drug advertising by the drug and television industries. These standards are contained in the National Association of Broadcaster's Advertising Code [hereinafter NAB Code] and its equivalent adopted by the Association of Independent Television Stations. In November of 1974, the Commission decided that it would not promulgate regulations but that it would rely on the industry's voluntary self-regulation.

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[3] *The Hearings before the Subcommittee on Monopoly of the Senate Select Committee on Small Business*, "Effect of Promotion and Advertising of Over-the-Counter Drugs on Competition, Small Business, and the Health & Welfare of the Public," 92d Cong., 1st sess. (1971); the hearings of the National Council of Churches Drug Advertising Project, 1973; and the ACT petition filed in January 1971 which dealt with the total responsibility of the broadcast industry with regard to children and advertising.

The NAB Code with respect to advertising of over-the-counter drugs states:

> Non-prescription medication regardless of how taken or administered shall not be advertised in or adjacent to programs initially designed primarily for children under twelve years of age. "Children's T.V. Advertising Statement of Principles," *Code News*, The National Association of Broadcasters, Volume 7, No. 6, June 1974.

The NAB Code defines children's programming time as "other prime time which programs are *initially* designed primarily for children under twelve." *NAB Code* XIV—2c. Thus these guidelines apply only to commercials on programs initially designed primarily for children. Programs which are designed primarily for children are concentrated on Saturday and Sunday mornings. The programs, according to the Nielsen Statistics cited by the Commission in its *Children's Report*, amounted to only 10% of a child's viewing time. 39 *Fed. Reg.* at 39398. Most children also watch television that is categorized "family programming" and all of these shows are exempt from the industry's advertising regulations regardless of the number of children who watch them.

Even though children comprise a smaller percent of the total viewing audience of family program hours, more children watch these family shows than the Saturday morning programs. Nielsen ratings for 1974 indicated that the seven shows most frequently viewed by children were "Emergency", "Wonderful World of Disney", "Planet of the Apes", "The Waltons", "Happy Days", "Apple's Way", and "The Rookies". These are all early evening family shows, with audiences of between 6.7 million and 8.7 million children. Family shows are reaching and influencing larger numbers of children than shows initially designed for children.

In an attempt to ascertain the kinds of commercials aired in the Boston area before 9:00 P.M., the Office of the Attorney General of Massachusetts studied a randomly selected, composite week of programming.[4] The commercial logs of the five Boston area stations (three network affiliates and two independent stations) were reviewed by the Office of the Attorney General of Massachusetts. Of the two network affiliates stations maintaining complete records of commercials aired, 234 ads were devoted to drug advertising. If these figures are projected to the third nationally affiliated station, which lacks such records, the number would increase to approximately 347 OTC drug ads a week. On one network affiliate, one out of every five commercials was devoted to over-the-counter drug promotion.[5]

OTC drug ads were run as often as four in a single half-hour broadcast. Programs aired between the hours of 6:00 and 9:00 P.M., the hours of prime time family viewing, had 64 over-the-counter drug ads that composite week. Projecting an average of 32 commercials to the third network affiliate, the number of over-the-counter drug commercials increases to 96 per week for the prime time broadcast hours.

From 3:00 to 6:00 P.M., the hours when many children are likely to be watching television after they return from school, 51 OTC drug commercials were shown. Again, projecting an average of 25 commercials to the third affiliate network, the number increases to 76 during this late afternoon time period.

The survey revealed that a network rerun such as "Hee Haw", which is run in the Boston area on Saturday at 10:00 A.M., can and did show commercials for Sominex, Geritol and Alka Seltzer. These ads were shown in complete compliance with the existing NAB Code.

The drug industry is big business in this country. Drug companies had sales of $38 billion in 1972; also in 1972, over $313,000,000 was spent in advertising drugs on television. See *Broadcasting Year Book, 1974*. In 1973, three drug companies, among the top 10 television advertisers, alone spent over $108,000,000 (*Advertising Age*, August 26, 1974). In the first six months of 1974, one out of eight television commercials was devoted to drugs. As long as the networks continue to receive large amounts of revenue from the drug companies to promote over-the-counter drugs, it is unrealistic to expect that self-regulation will amount to anything more than tokenism.

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[4] This composite week consisted of the following days in 1975: Sunday, Mar. 30; Monday, May 19; Tuesday, Apr. 15; Wednesday, Mar. 19; Thursday, May 29; Friday, Apr. 25; Saturday, May 24.

[5] See *Appendix* for breakdown of times and numbers of commercials shown.

VI. THE EFFECTS OF TV DRUG COMMERCIALS ON CHILDREN

A. Drug Advertising Creates an Artificial Demand For Drugs

The increasing use of drugs in America, particularly the so-called mood drugs, has been accelerating at an alarming rate. Charles C. Edwards, former Administrator of the Food and Drug Administration, has stated that the principle reasons for this increase are the complexity and stresses of modern society, new chemical discoveries, and the "tremendous wave of advertising over the media, especially TV, creating an environment in which the consumer feels that reaching for a pill, tablet, or capsule, is a panacea for all his ills". *Congressional Drug Advertising Hearings, supra* note 3, at 426.

The very purpose of advertising is to motivate consumers to buy an ever increasing variety and number of drugs.

Television is a leading factor in creating increased or new demands for products. Robert Pitofsky, former director of the Bureau of Consumer Protection at the Federal Trade Commission has pointed out:

> Television is a visual experience. Material presented is more vivid. . . The totality of television. . . may not always be a rational experience. Television can and does set a "mood" for acceptance which can overcome resistance and doubt normally flowing from rational consideration. . .
>
> Because of its unique capabilities, television advertising can be, and is, more subtle, more sophisticated, and much more persuasive, often achieving emotion rather than rational responses. As a selling tool, it is much more effective than other media forms. . . .
>
> Exposure to current OTC drug advertising demonstrates that an essential part of the advertiser's technique is to play upon the consumer's instincts and sentiments which lie below the level of consciousness, without arousing the critical and combative qualities of the conscious mind. . . . *Congressional Drug Advertising Hearings, supra* note 3, at pp. 37–38.

The simple fact is that our broadcast media and advertisers are continually creating a new demand for drugs which heretofore have not generally been recognized as needed by the consuming public. We now have drugs for new "illnesses" such as sleepless nights, tiredness, anxiety from traffic jams, nervous tension, irritability, fatigue. Increasingly, children and adults alike are bombarded with advertisements which present drugs as the cure-all to the tension and problems of everyday life. The responses to all these ads is very simple: if the consumer just takes the advertised drugs, he will overcome any feelings of depression, anxiety, sleeplessness, tiredness, or irritability. Former FCC Commissioner, Thomas J. Houser has described America's drug companies as "becoming our Nation's most formidable drug pushers". He uses the term "pushers" in the sense of creating receptive attitudes towards pill taking and notes that licensees are being used as "runners". Commissioner Houser further described these drug manufacturers as "pushing an attitude that through the use of over-the-counter drugs we are better able to cope with life's common difficulties. . . . The tube is a veritable hypochondriac hammering home on the theory that for all life's problems and situations, there is a pill." *Congressional Drug Advertising, Hearings, supra* note 3, at p. 721.

This new and artificial demand for drugs has been attested to by Dr. Robert Seidenberg, Clinical Professor of Psychiatry, SUNY at Syracuse—advertisers have created an "extension of the hope of drug solutions to every ache, discomfort, or social annoyance of living. . . . As a cigarette commercial once told us to 'reach for a Lucky instead of a sweet', we are now in effect told to 'reach for a pill instead of a thought' ". *Congressional Drug Advertising Hearings, supra* note 3 at p. 342.

The current drug commercials themselves amply illustrate the kinds of techniques which are utilized to increase demand for over-the-counter drugs and remedies. A recent Ex-Lax commercial, for example, which was aired during children's prime viewing time (Saturday morning) included the following:

DAUGHTER. "Ex-lax, the chocolated one?"

FATHER. "Good medicine at a good price."

DAUGHTER. "Sure but——"

FATHER. "Ex-lax works gently. Your mother and I knew that before you were born——"

DAUGHTER. "Oh, Dad."

Father. "Remember that when irregularity is a problem."

Daughter. "I'll remember."

Announcer. "Chocolated Ex-lax tablets work gently. They contain a medically proven effective ingredient. Try easy-to-take Ex-lax."

Daughter. "Everybody needs help now and then."

The basic message portrayed here is that Ex-lax tastes good, (it's chocolated), it's easy to take, and it works gently. The fact that the product tastes good and is easy to take is particularly appealing to children. On a more subtle, psychological level, the commercial attempts to appeal to the sense of family tradition as depicted by a father extolling the virtues of an old-time remedy to his daughter.

Similarly, a Geritol commercial seen during the same programming period (with a large children's audience) portrays a carefully orchestrated husband-wife situation:

Husband. "This is my friend, my lover, my adviser, my partner, my inspiration; this is my wife."

Wife. "—and the mother of our two children."

Husband. "Sometimes I don't know how you do it all."

Wife. "Well, I get my rest, exercise and I start everyday with a Geritol tablet to assure that I get the iron and vitamins that I want."

Announcer. "Geritol-more than twice the iron of any ordinary supplement and some very important vitamins."

Husband. "My wife is quite a woman."

To a child the message is clear. Mommy should take Geritol to be the loving, devoted wife she is supposed to be. Taking a drug is tied to a very fundamental concept of the family unit—the love between a husband and wife. The ad also illustrates a technique Madison Avenue uses to create demand for a drug the need for which neither consumers nor doctors believe exists.

Many typical over-the-counter drug commercials depict unhappy, irritable, sick people who are suddenly transformed into happy, calm, and well individuals merely by swallowing a pill or taking some medication. This approach to advertising over-the-counter drugs has been labelled by Dr. Arthur A. Berger of California State University as the "Pain, Pill, Pleasure" Model. Dr. Berger states that, "[a]dvertisements stimulate anxiety fears, which they say can be relieved by consumption of various substances. Problems are solved by taking 'magic pills' . . . Drug abuse is learned behavior. Advertising which tells us about a 'better life through chemistry' is doing some of this teaching."[6] At the heart of America's drug advertising is not simple information on the product advertised, but rather a clever form of psychological pressure on consumers.

B. Children are particularly susceptible to drug advertising

Children watch TV for as many hours as they are in school and since children watch TV long before they can read, the impact of advertising on children is substantial. ("Television and Growing Up: The Impact of Televised Violence", *Report to the Surgeon General from the Scientific Advisory Committee on Television and Social Behavior*, p. 82 (1970)) [hereinafter, *Surgeon General's Television Report*]. This observation is borne out in a study by Dr. Charles E. Lewis and Mary Ann Lewis from the UCLA School of Medicine. In the Lewis study, 70% of the 5th and 6th grade students observed believed that the drug and cosmetic commercials they viewed were true.[7] Equally important is the high cognition factor of television drug commercials by children observed in a survey undertaken by Dr. David C. Lewis, Asst. Professor of Medicine at the Harvard Medical School. Dr. Lewis went door-to-door in the Boston area with a display of commonly used non-prescription mood drugs. He found overwhelming recognition of drug commercials by children:

> Most adults, users and non-users, were familiar with advertising on television, but some were not. In contrast, all children who crowded around us were familiar with the products we carried in our display. Even small chil-

---

[6] Berger, Arthur Asa, "Drug Advertising and the 'Pain, Pill, Pleasure' Model," 4 *Journal of Drug Issues* 208, 209 (1974).

[7] Lewis, et al., "The Impact of Television Commercials on Health Related Beliefs and Behaviors of Children," *Pediatrics*, Vol. 53, No. 3, March 1974.

> dren, ages 4, 5, and 6, pointed knowingly to several of the samples we carried, and repeated or sang the commercials for them. I don't think I really appreciated the extent of the power of advertising until I heard these kids singing the ads. *Congressional Drug Advertising Hearings, supra* note 3, at p. 476.

The *Surgeon General's Television Report* further documents the pervasive influence television plays on children's lives:

> The child's learning during the first five or six years sets the foundation for lifelong patterns of behavior and for further learning. Attitudes and values, as well as habits of thinking and reacting to others are set during this formative period. Child psychiatrists and psychologists think of the young child as especially susceptible to influence (whether for good or for ill) during the years of his life when he is virtually dependent on other individuals for his very survival and growth . . . A young child's reaction to television is potentially quite different from that of an adult. A child has only a limited range of past experiences and does not have a well established set of conceptual categories for clarifying his perceptual experiences. (pp. 56–57).

The report also observes that children learn the names of products and identify commercials. (*Surgeon General's Television Report*, at p. 95). Sixty-two percent of two year olds frequently sang or recited commercial jingles. But, what is perhaps most significant about the *Surgeon General's Television Report* is the study's findings on what children learn from actors on television. The report observes,

> Throughout human history, very young children—have been able to learn from imitating the behavior of others in their presence. These might be members of the household, friends of the family, neighbors, playmates, teachers, priests, etc. With the advent of the modern pictorial media of communication, children can now also see the behavior of individuals who are not personally present but whose images are conveyed via film or television. We use the term "models" for individuals whose behavior children can observe and thus imitate, whether these individuals are personally in the child's presence or are observed by him through the media. (*Surgeon General's Television Report*, p. 101)

The fact that advertising techniques can be used to effectively communicate has been put to good use on "Sesame Street", a leading public television show for children. "Sesame Street" has successfully borrowed the Madison Avenue's short jingle and short message to teach children the alphabet and numbers. The overwhelming success of the show attests to the effectiveness of advertising techniques on children.

C. Over-the-counter drugs can be dangerous to children

Petitioners are concerned about the recent relationship between over-the-counter drug advertising and childhood poisoning. In 1973, 163,500 children were poisoned by ingestion of substances. Of this total, 101,676 were children less than five years old. Over-the-counter drugs accounted for 27,465 of these poisonings (F.D.A. Division of Poison Control).

Petitioners are further concerned that excessive use of over-the-counter drugs may be detrimental to health, Aspirin, the most popular OTC drug, has side effects not known to a layman according to Dr. Milton Silverman and Dr. Phillip K. Lee. In their book, *Pills, Profits, Politics*, University of California Press, 1974, these doctors explain that a dose of aspirin always causes minor stomach and intestinal bleedings. In a normal adult, such a minor loss is hardly noticeable. However, most adults should not exceed a total dosage of 8–10 aspirins a week. (*Id.* at 215). Excessive consumption can lead to ulceration and anemia. These effects are compounded in children. Yet, the advertisements—rather than promoting informed, careful use of these products—emphasize fast relief.

CONCLUSION

Petitioners submit that the current status of self regulation of drug advertising by the broadcast industry is inadequate and ineffective in protecting children from sophisticated drug advertising.

For all the foregoing reasons, petitioners respectfully request that the Commission issue a notice of proposed rulemaking on the proposed rule and hold hearings thereon.

Respectfully submitted.

FRANCIS X. BELLOTTI,
Attorney General of the Commonwealth of Massachusetts
AVRUM GROSS,
Attorney General of Alaska.
JOHN D. MACFARLANE,
Attorney General of Colorado.
RICHARD R. WIER, JR.,
Attorney General of Delaware.
RONALD Y. AMEMIYA,
Attorney General of Hawaii.
WILLIAM J. SCOTT,
Attorney General of Illinois.
FRANCIS B. BURCH,
Attorney General of Maryland.
PAUL L. DOUGLAS,
Attorney General of Nebraska.
WARREN B. RUDMAN,
Attorney General of New Hampshire.
RUFUS L. EDMISTEN,
Attorney General of North Carolina.
ROBERT P. KANE,
Attorney General of the Commonwealth of Pennsylvania.
JULIUS C. MICHAELSON,
Attorney General of Rhode Island.
V. FRANK MENDICINO,
Attorney General of Wyoming.
JOSEPH E. BRENNAN,
Attorney General of Maine.

Time	WNAC—7 (CBS)	WSBK—38	WLVI—56	WCVB—5 (ABC)	WBZ—4 (NBC)
Sunday, Mar. 16:					
8 a.m.					Nosotros Theater: 8:26—Bufferin. 9:01—Bufferin.
9 a.m.			Hour of Power.		
10 a.m.		Porky Pig and Friends.	Flintstones.	Passover Program.	Easter Service: 11:20—Rolaids. 11:29—Theragran.
10:30 a.m.		Bugs Bunny.	Little Rascals.	Opportunity Line.	
11 a.m.		Rocky and His Friends.	Gilligan's Island.		
11:30 a.m.		Superman.	I Love Lucy.	Your Place and Mine.	Eyewitness News: 11:37—Alka-Seltzer.
12 p.m.		Noon Movies.	Movie at Noon.	Midday News.	News Conference.
12:30 p.m.				Awards Special.	Meet the Press.
1 p.m.				Porr Program.	Sunday Afternoon Movies: 1:20—Theragran.
1:30 p.m.				Issues and Answers.	
2 p.m.	No logs available.	Matinee Theater.	Sunday Matinee.	Superstars.	
3 p.m.	do.				Friends of Man.
3:30 p.m.	do.	Sunday Afternoon Theater.		Auto Racing: 4:29—Anacin.	Survival: 3:34—One-A-Day. 3:35—Alka-Seltzer. 3:47—Alka-Seltzer. 3:48—Alka-Seltzer.
4 p.m.	do.		Movie for Sunday Afternoon.		NHL Hockey.
4:30 p.m.				Wide World of Sports.	
5 p.m.	do.	Century Cinema.			
6 p.m.	do.			Big Battles: 6:10—Bufferin. 6:41—Anacin.	
6:30 p.m.	do.		James Cagney Show.		Wizard of Oz: Alka-Seltzer.
7 p.m.	do.			Early News.	
7:30 p.m.	do.	Boston Bruins.		Six Million Dollar Man: 8:02—Dristan.	
8:30 p.m.	do.		Movie.	Story of Jacob Joseph: 8:42—Bufferin.	Mystery Movie: Excedrin.
Monday, May 19:					
9 a.m.			Movie.	Good Morning.	Somerset: Menley James/A.R.M.
9:30 a.m.					Blank Check: Primatine Mist. Bayer Aspirin. Haley's M.O.

APPENDIX—Continued

Time	WNAC—7 (CBS)	WSBK—38	WLVI—56	WCVB—5 (ABC)	WBZ—4 (NBC)
Monday, May 19—Continued					
10 a.m.					Celebrity Sweepstakes: Bayer Aspirin. Anacin. Dristan.
10:30 a.m.				Romper Room	Wheel of Fortune: Tums.
11 a.m.	No logs available	Tom Larson Show	Not for Women Only	Password: 11:28—Bengay. Lanacane.	High Rollers: Haley's M.O. Allerest.
11:30 a.m.	do			Blankety Blanks	Hollywood Squares: Ex-Lax. Contac. Ex-Lax.
12 p.m.		Of Land and Seas	New Zoo Review	Midday News	Eyewitness News.
12:30 p.m.			Lucy Show	Split Second: 12:58—Allerest. Sine-Off. Bactine. Ben Gay.	Woman '75: Bristol Myers.
1 p.m.	do	Jack LaLanne	Movie Matinee	All My Children: 1:29—Dristan.	
1:30 p.m.	do	Flying Nun		Let's Make A Deal: 1:59—Phillips Tabs.	Days of Our Lives.
2 p.m.	do	Mel-O-Toons		$10,000 Pyramid: 2:29—Arthritis Pain. Bufferin.	
2:30 p.m.	do	Bullwinkle		Big Showdown	The Doctors.
3 p.m.		Porky Pig	Banana Splits	General Hospital: 3:29—Midol.	Another World: Miles Labs/Vitamins.
3:30 p.m.		Bugs Bunny	Caspar the Ghost	One Life to Live: 3:30—Arthritis Strength Bufferin.	
4 p.m.	do	Three Stooges	Flintstones	Bonanza: 4:16—Anacin. 4:43—Prep H.	Mike Douglas: Brioschi.
4:30 p.m.	do		Speed Racer.		
5 p.m.	do	Mickey Mouse	Flintstones	FBI: 5:06—Dristan. 5:30—Anacin.	
5:30 p.m.	do	Jeannie	Gilligan's Island		Family Affair.
6 p.m.		Dick Van Dyke	I Love Lucy	News	Eyewitness News.

6:30 p.m.		Bewitched	Star Trek: Rolaids.	ABC Evening News: Allerest. Excedrin. Bayer. Feenamint.	
7 p.m.		Hogan's Heroes		Backstage at Hollywood	NBC Nightly News: Lanacane. Abbot's Labs.
7:30 p.m.		Andy Griffin	Love American Style	Five on Sports.	
8 p.m.		Million Dollar Drawing	Dealers Choice	The Rookies: Bayer Aspirin. Campho-Phenique.	Smothers Brothers; Vicks. Anacin. Do.
8:30 p.m.		Jeannie	Dinah.		
Tuesday, Apr. 15: 10 a.m.	do		Movie		Celebrity Sweeps: Excedrin P.M. Bayer. Allerest.
10:30 a.m.	do			Password: Ben Gay.	Wheel of Fortune: Ex-Lax. Femiron. Pamprin.
11 a.m.	do	Sign on. Tom Larson	Not For Women Only	Money Maze	High Rollers: Bayer. Mentholatum Rub. Clear Eyes.
11:30 a.m.	do		New England News Scene	Romper Room	Hollywood Square: Bronkaid Mist. Ben Gay. Ex-Lax.
12 a.m.		Of Land and Seas	New Zoo Review	Midday News	Eyewitness News.
12:30 a.m.			Lucy Show	Split Second: 12:58—Sine-Off 13:59—Bayer. Dristan.	Woman '75.
1 p.m.	do	Jack LaLanne	Movie Matinee	All My Children: Ben Gay. St. Joseph's Aspirin.	
1:30 p.m.	do	Flying Nun		Let's Make A Deal	How To Survive A Marriage: Lanacane. Eyewash.
2 p.m.	do	Red Sox Baseball		$10,000 Pyramid: Bayer Children's Aspirin. Sine-Off. Sinutab.	Days of Our Lives.
2:30 p.m.	do			Big Showdown: Digel.	The Doctors: Bengay. Bronkaid Mist.

APPENDIX—Continued

Time	WNAC—7 (CBS)	WSBK—38	WLVI—56	WCVB—5 (ABC)	WBZ—4 (NBC)
Tuesday, Apr. 15—Continued					
3 p.m.	No logs available		Banana Splits	General Hospital	Another World.
3:30 p.m.	do		Caspar	One Life to Live: Sleepeze. Dristan.	
4 p.m.	do		Flintstones	Bonanza	Mike Douglas: 4:42—Bufferin. 5:05—Bufferin.
4:30 p.m.	do		Speed Racer.		
5 p.m.	do	Mickey Mouse	Flintstones	FBI: 5:19—Bufferin. 5:40—Anacin.	
5:30 p.m.	do	Jeannie	Gilligan's Island		Family Affair.
6 p.m.	do	Dick Van Dyke	Love American Style	News	Eyewitness News.
6:30 p.m.	do	Bewitched	Star Trek: Rolaids.	ABC News: Unicaps. Bufferin.	
7 p.m.	do	Hogan's Heroes		To Tell The Truth: Dristan. Heet Rub.	NBC News: Doan's Pills. Geritol.
7:30 p.m.	do	Andy Griffith	Dragnet	Let's Make A Deal	Price is Right.
8 p.m.	do	Beverly Hillbillies	Dealers Choice	Swiss Family Robinson: Allerest.	Adam-12: Primatene Capsule.
8:30 pm	do	Green Acres	Dinah		NBC Movie: Lanacane. Primatene Capsules.
Wednesday, Mar. 19:					
9 a.m.	do		Movie		Somerset: Miles Lab/Vitamins.
9:30 a.m.	do			AM America	Blank Check: Doans Pills.
10 a.m.	do			10:14—Dristan	Celebrity Sweepstakes: Miles Lab/Vitamins.
10:30 a.m.	do			Password: Bufferin. Bayer Cold Tabs. Bufferin.	Wheel of Fortune: Mentholatum.
11 a.m.	do	Sign-on. Tom Larson	Not for Women Only	Money Maze: Sine-Off. Haley's MO. Bayer Cold Tabs.	High Rollers: Theragran. Ex-Lax. Bayer Children Aspirin.
11:30 a.m.	do		New England Newscene	Romper Room	Hollywood Squares: Tums. Ben Gay. Bayer Aspirin

12 a.m	do	Of Land and Seas	New Zoo Review	Mid-Day News	Eyewitness News.
12:30 a.m	do		Lucy Show	Split Second: Congespirin.	Women '75.
1 p.m		Jack LaLanne	Movie	All My Children: Dristan.	
1:30 p.m		Flying Nun		Let's Make A Deal: St. Joseph's Aspirin.	How to Survive a Marriage: Aspergum. Listerol.
2 p.m		Porky Pig		$10,000 Pyramid: Kaopectate.	Days of Our Lives: Pepto-Bismol.
2:30 p.m		Bugs Bunny		Big Showdown: Digel. Bufferin. Do.	The Doctors: Prep-H.
3 p.m		Bullwinkle	Banana Splits	General Hospital: Pepto-Bismol. Preparation-H.	Another World: Mentholatum. Lanacane. Pamprin.
3:30 p.m		Superman	Caspar	One Life to Live: Halls Cough Formula. Contac. Femiron.	
4 p.m	do	Three Stooges	Flintstones	Bonanza: 4:02—Kaopectate. 4:24—Dristan.	Mike Douglas: Nyquil.
4:30 p.m	do		Speed Racer.		
5 p.m		Mickey Mouse	Flintstones	FBI: Anacin. Bufferin. Do.	
5:30 p.m		Jeannie	Gilligan's Island		Diamond Head Game.
6 p.m		Dick Van Dyke	Love American Style	News: Bufferin.	Eyewitness News.
6:30 p.m		Bewitched	Star Trek	ABC News: Kaopectate. Bayer.	
7 p.m		Hogan's Heroes		To Tell the Truth: Dristan Mist.	NBC News: Cough Syrup. Rolaids. Bayer.
7:30 p.m		Andy Griffith	Dragnet	Let's Make A Deal: Bufferin. St. Joseph's Aspirin.	
8 p.m	do	Beverly Hill	Dealer's Choice	Muppets	Small Miracle.
8:30 p.m	do	Green Acres	Dinah	World of Animals.	
Thursday, May 29:					
9 a.m			Movie		Somerset. Menley James Arm.
9:30 a.m					Blank Check.

APPENDIX—Continued

Thursday, May 29—Continued

Time	WNAC—7 (CBS)	WSBK—38	WLVI—56	WCVB—5 (ABC)	WBZ—4 (NBC)
10 a.m	No logs available				Celebrity Sweepstakes. Ex-lax. Miles Lab/Vitamins. Bayer Aspirin.
10:30 a.m	do	Sign on		Romper Room	Wheel of Fortune: Femiron.
11 a.m	do	Tom Larson	Not For Women Only	Password: Kaopectate. Primatine Mist.	High Rollers: Anbesol.
11:30 a.m	do		New England Newscene	Blankety Blanks	Hollywood Squares: Ex-Lax. Mentholatum Rub. Ex-Lax.
12 p.m	do	Of Land and Sea	New Zoo Review	News	Eyewitness News.
12:30 p.m	do		Lucy Show	Split Second: Sine-Off. Dristan. Prep-H. Feenamint.	Woman '75.
1 p.m	do	Jack LaLanne	Movie Matinee	All my Children.	
1:30 p m	do	Flying Nun		Let's Make A Deal: Contac. Bayer Children's Aspirin. Haley's M.O.	Days of Our Lives: St. Joseph's Aspirin. Feenamint. Contac.
2 p.m	do	Mel-O-Toons		$10,000 Pyramid.	
2:30 p,m	do	Bullwinkle		Big Showdown: Sinutab.	The Doctors: Anacin.
3 p.m	do	Proky Pig	Banana Splits	General Hospital: Allerest.	Another World.
3:30 p.m	do	Bugs Bunny	Caspar	One Life To Live: Sleepeze.	
4 p.m	do	Three Stooges	Flintstones	Bonanza. Dristan.	Mike Douglas.
5 p.m	do	Mickey Mouse	Speed Racer. Flintstones	FBI: Primatene Mist. Sine-off.	
5:30 p.m	do	Jeannie	Gilligan		First 4-News.
6 p.m	do	Dick Van Dyke	I Love Lucy	News	Eyewitness News. Miles Labs.

6:30 p.m.	do	Bewitched	Star-Trek:	ABC News: Rolaids. Excedrin. Feenamint. Dristan. Arthritis. Pain Formula.	
7 p.m.	do	Hogan's Heroes		To Tell the Truth	NBC News: Menley James: Arm. Arthritis. Pain Formula. Doan's Pills.
7:30 p.m.	do	Andy Griffith	Love American Style	House Call	
8 p.m.	do	Beverly Hills	Dealer's Choice	Barney Miller	Sunshine: Anacin.
8:30 p.m.	do	Jeannie	Dinah	Karen	Bob Crane show.
Friday, Apr. 25:					
9 a.m.	do		Movie		Somerset: Bayer. Excedrin.
9:30 a.m.	do				Blank Check: Eye Wash (Abbot).
10 a.m.	do				Celebrity Sweepstakes.
10:30 a.m.	do	Sign on		Romper Room	Wheel of Fortune: Bayer.
11 a.m.	do	Tom Larson	Not For Women Only	Password: Kaopectate. Primatine Mist.	High Rollers. Bufferin.
11:30 a.m.	do		News. New England Scene	Blankety Banks	Hollywood Squares. Ex-Lax.
12 p.m.	do	Of Land and Seas	New Zoo Review	News	Eyewitness News.
12:30 p.m.	do		Lucy Show	Split Second	Woman '75.
1 p.m.	do	Jack LaLanne	Movie	All My Children: Excedrin.	
1:30 p.m.	do	Flying Nun		Let's Make A Deal	Days of Our Lives: Allerest. Digel.
2 p.m.	do	Porky Pig		$10,000 Pyramid: Sine-Off. Ben Gay.	
2:30 p.m.	do	Bugs Bunny		Big Showdown	The Doctors.
3 p.m.	do	Bullwinkle	Banana Splits	General Hospital: Correctol. Arthritis Bufferin.	Another World: Allerest. Femiron.
3:30 p.m.	do	Superman	Caspar	One Life to Live: Ben Gay. Unicaps.	
4 p.m.	do	Three Stooges	Flintstones	Bonanza: Anacin.	Mike Douglas.
4:30 p.m			Speed Racer.		
5 p.m.	do	Mickey Mouse	Flintstones	FBI: Anacin.	

APPENDIX—Continued

Time	WNAC—7 (CBS)	WSBK—38	WLVI—56	WCVB—5 (ABC)	WBZ—4 (NBC)
Friday, Apr. 25—Continued					
5:30 p.m.	No logs available	Jeannie	Gilligan's Island		Family Affair.
6 p.m.	do	Dick Van Dyke	I Love Lucy: Lanacane.	News	Eyewitness News.
6:30 p.m.	do	Bewitched	Star Trek	ABC News: Anacin. Excedrin. Geritol. Sominex.	
7 p.m.	do	Hogan's Heroes		To Tell the Truth	NBC News: Anacin. Preparation H. Alka-Seltzer. Arthritis. Arthritis Pain Formula.
7:30 p.m.	do	Andy Griffith	Love American Style: Rolaids.	Briefing Session	Name That Tune.
8 p.m.	do	Beverly Hills	Dealers Choice: Lanacane.	Kolchak: Pepto-Bismol.	Sanford and Son: Alka-Seltzer. Anacin.
8:30 p.m.	do	American Life Style	Dinah		Chico and The Man: Di-Gel.
Saturday, May 20:					
10 a.m.	No logs available	None	Hee-Haw: Alka-Seltzer. Geritol. Sominex.	No drug spots until after 9 p.m.	None until after 9 p.m.

Mr. **Bellotti.** I would like to introduce Holly Gold, who is the director of my consumer division. She did all of the overseeing of the preparation of this petition.

Mr. **Macdonald.** Our next and last witness is Dr. Barbara Fowles, associate director for research of Children's Television Workshop in New York.

STATEMENT OF BARBARA R. FOWLES, PH. D., ASSISTANT DIRECTOR OF RESEARCH, CHILDREN'S TELEVISION WORKSHOP

Ms. **Fowles.** Since we are so late, I have 5 minutes of summary.

Mr. **Macdonald.** You suit yourself about that. You will have as much time as you think is necessary to tell your story. If you have a prepared statement, that will be put into the record and you may highlight it. That will be just fine.

I have just a few questions of you. As I said at the outset, I would like to concentrate a little bit, because we had all kinds of different experts, not so much on the production of children's programing that some of us have been exposed to, but to what makes kids tick, what they like, if they like, et cetera, that type of thing. This is really where the greatest contribution could be made.

Ms. **Fowles.** I am a developmental psychologist and I have been associated for about 5 years with the Children's Television Workshop.

We produce "Sesame Street," which is a preschool children television program, and "The Electric Company," which is a program to teach reading to children from 7 to 10 years old.

I was asked to be here to share with you some of the knowledge that the Children's Television Workshop has accumulated during its 8 years of life about what and how television can teach to children. I am happy to do that, and I hope that it will be helpful to you.

I should point out that what I say is based primarily on our experience with "Sesame Street" and "The Electric Company," and our researchers are only occasionally concerned with children's responses to other programs and to commercials, which I know is your primary concern.

Nevertheless, I think that much of what we have learned is relevant, since "Sesame Street" and, to a lesser extent, "The Electric Company," adopt the formats, the production techniques, and the teaching strategy of commercial television, and particularly from advertising.

The research carried out while "Sesame Street" was being designed showed that commercials were consistently attractive to 3- to 5-year-old age groups. This is important because for young children every encounter with the environment is a learning experience, and television forms an important part of the preschooler's environment these days. Anything that attracts a child's attention is a learning experience. We have no reason to believe that they do not learn from the ads, if they successfully attract them.

What exactly are some of the things that children are learning from "Sesame Street" and "The Electric Company"? At first, our goals in designing the programs were conventional and cautious. We taught letters, numbers, relational terms, body parts, and things like that on "Sesame Street" and basic phonics on "The Electric Company."

Evaluations carried out by the Educational Testing Service demonstrated that we were successfully meeting these goals. Through less formal channels, we also learned that we were having an impact in the interpersonal realm, and in enhancing the child's self-image.

As a result we steadily expanded the prosocial and affective dimensions of "Sesame Street," and find that the children respond well to these aspects of the program.

We have also made several other additions, stressed the reading skills as well as ecological concepts.

In short, we have not yet found a limit to what children can learn from carefully designed television presentations. I [illegible] point out that this runs contrary to earlier thinking, which held that television was a passive experience while young children were thought to learn best in active situations, and so probably would not learn very much from television.

Now we have been forced by television to rethink the way children learn, and several key learning processes have been identified. Imitation of a model is probably the most effective mechanism by which children learn from TV, and this is relevant to what the Attorney General was talking about before.

Imitation may be immediate or deferred until the model is no longer present. Anything from problem-solving strategies to sex type behaviors can be adopted through imitation. Rote learning or repetitive material such as advertisers' jingles is another mechanism, as is the use of magic or incongruity.

In a lot of cases, something unexpected or implausible happens, and the child is motivated to engage her reasoning powers in order to explain the image. The technology of television makes a magical event an everyday occurrence.

Mr. MACDONALD. Dr. Fowles, I thought that you were going to highlight your statement, and not read it, because your statement is already in the record.

Ms. FOWLES. It is a summary. I have just a couple of paragraphs to go, and then it will be completed.

We are encouraged and excited by television's success as a teacher. If there is a great potential for communication there is an equal one for miscommunication. Children are unpredictable in what they will pick up from a program or commercial.

We have learned in the course of producing each segment of "Sesame Street" to be careful to avoid such unintended side effects as encouragement of rough behavior, scaring children with monsters, and consistently blurring the distinction between fantasy and reality.

Thus, even in the case of a carefully designed program, like ours, the pitfalls are many, and we cannot entirely guard against them by scrutinizing material from an adult's point of view.

New material for "Sesame Street" is tested with children before it is incorporated into the program. If there appears to be any chance of confusing them, we consider it an undesirable model.

Most of the content of "Sesame Street" has paralleled commercial programs and advertisements, since children spend a lot more time watching commercials than they do watching "Sesame Street," we ought to consider carefully what they might be learning.

In that regard, I would like to add one more note about strategy. The research techniques that we employ at CTW, which certainly could be adopted by others, allow us to evaluate new material and feed back results to producers very quickly.

The judgments that we make are pretty conservative, and if we find that for some reason material could be detrimental, we do not air it. We do not wait for a definitive answer about long-term effects on children and, indeed, for a variety of methodological reasons such answers may never be found for television.

Our stance is that there is no justifiable reason to take risks with the mass audience. Some advertisers have begun to remove some potentially detrimental ads from the air, demonstrating that they are coming to be similarly oriented, and we would welcome and encourage more active approach to this influence on children.

[Ms. Fowles prepared statement follows:]

STATEMENT OF BARBARA R. FOWLES, PH.D., CHILDREN'S TELEVISION WORKSHOP

Mr. Chairman, and members of the subcommittee, I am Dr. Barbara Fowles, Associate Director of Research at Children's Television Workshop, and a development psychologist. CTW, as you probably know has been producing *Sesame Street* since 1968, and *The Electric Company* since 1971. The unique feature of both these programs (aside from their popularity, which is outstanding for public television programing) is their strong and continuous research input. Children's Television Workshop is not simply a television production house; it is an educational laboratory, and its "experiments" have to do with the use of popular commercial television techniques to teach. As a result, CTW has accumulated some measure of understanding of the complex interaction between children and television, and some of that knowledge is relevant outside the realm of instructional broadcasting. I am glad to have this opportunity to share our thinking with you; I hope you will find it useful.

I have four points to make. I will then draw some brief and basic conclusions:

> (1) Young children, many beginning at eighteen months of age (Murray, 1973), are attentive to television material with certain auditory and visual attributes. These attractive attributes are characteristic of many advertisements and adult programs as well as programs aimed at children.

Preschool children watch about three hours of television per day, and school children only a little less. One reason why *Sesame Street* is so successful (its regular viewing audience is estimated at nine million preschoolers) is that it taps into the young child's voluntary propensity to watch television. *Sesame Street* (Cooney, 1967) was conceived as an effort to bring the commercial television techniques that attract large audiences of children to bear on the problem of reaching disadvantaged children in their homes. This strategy contrasts with the spartan production of most educational programs.

The creation of *Sesame Street* was preceded by more than a year of research, (Lesser, 1974) the first stage of which was to determine what kinds of television would be most attractive to three- to five-year-olds. One answer? Commercials.

Further CTW research (Rust, 1971b) has confirmed that attributes which are often present in commercials are indeed the ones that make segments of *Sesame Street* and *The Electric Company*, appealing, namely: action that is directly relevant to the narrative; surprise, magic, suspense; action imperatives; a personal focus; lively rhythm and rhyme, the use of children and cartoon characters.

Furthermore, attributes which are seldom present in commercials are the ones that most consistently cause children to "turn off", e.g. message monologues (talking heads), sound track unrelated to the visual action, ill-defined characters.

Not only the attractive *appearance* of commercials, but their communication strategies as well, proved handy in reaching children. Successful advertisements are, of course, educational in the strongest sense. They not only can add to our store of information, but may actually change behavior—they may cause us to need or want something we did not need or want before. Thus *Sesame Street* emerged as a package of short "commercials", in varying styles, designed to "sell" knowledge to young children. Preschoolers took to it immediately, as did their parents. But *Sesame Street* has in no way replaced commercial television in the hearts and minds of toddlers. During the prime-time hours (Nielson, 1974), the 2- to 11-year-old audience is at least twice as large as it is during the weekday hours normally designated for children. Young children are still eagerly watching commercial programs and advertisements.

The fact is that young children are creatures whose primary goal in life is to learn. They don't seek out television when they are very young to alleviate boredom. Little children don't get bored. They watch television to learn and to help them master their environment. They make no distinction between learning and being entertained until adults begin to make it for them. Everything is grist for the mill. The things they learn from *Gilligan's Island* or a MacDonald's commercial are as welcome as the ABC's . . . and as Lesser (1974) points out "Television indiscriminately teaches anyone who cares to watch . . .".

> 2. Our research on "Sesame Street" and "The Electric Company" has confirmed that children as young as three, whether white, black or brown, Anglo or Hispanic, middle class or disadvantaged, slow or bright, are learning a great deal from these programs—often more and different things than we originally set as our goals.

The summative evaluations of *Sesame Street* and *The Electric Company* (Ball and Bogatz, 1970, 1971, 1973; Ball, et al. 1974), conducted by Educational Testing Service, demonstrated that both programs have been successful in achieving their stated educational goals. This includes far more than letters and numbers, especially in the case of *Sesame Street.*[1] Even in its first year *Sesame Street* successfully taught three-to-five-year-old children to understand relational terms like *over, under,* and *around; big, bigger, biggest; before* and *after.* It taught them classification skills and identification of geometric shapes. The first year's success led to an elaboration of the teaching of pre-reading skills (Gibbon, Palmer and Fowles, 1975) in the second season, and to the incorporation of simple addition and subtraction.

Perhaps even more interesting has been the addition of goals outside the purely cognitive realm. Patterns of social interaction and ways of behaving were being communicated by *Sesame Street* from the outset but mostly implicitly, in the course of getting across some more tangible educational goal. Anecdotal evidence furnished by parents and teachers brought the impact of this aspect of *Sesame Street* to our attention. Subsequently, such goals have become a direct part of the curriculum. For example, it was decided in *Sesame Street's* second season to teach cooperative behavior, and the concept of cooperation as an explicit goal. Paulson (1974) who evaluated those segments, found that children who viewed them tended to cooperate more in a play situation, to apply the word "cooperation" more appropriately, and to favor a cooperative over a noncooperative response, than did children who had not viewed. Emphasis on cooperation was thus increased in the third season's programs.

In the fourth season ecológical concepts and Spanish culture were added goals. In the fifth, attention to emotions was expanded, and in the sixth, learning to cope with failure and obstacles will be treated.

The point is that we began with a rather narrow idea of what to teach and what children could learn from televsion and have discovered that what producers might think of as incidentals of plot and setting are in fact important teaching vehicles. The intended focus of a segment matters little, because children are unpredictable in what they will choose to attent to. In producing *Sesame Street* we give careful attention to the possible dangers of such unintended learning. In using the techniques of commercial televsion, we strive to avoid such things as rough slapstick that will be too readily imitated, consistently incompetent adults, and overly scary monster scenes.

We have worked in both shows toward making explicit more and more of the programs' desirable implicit curriculum, while trying to eliminate undesirable messages. We have come to understand that our conception of what we are teaching must be quite broad, and that the potential for communication, and miscommunication, is enormous.

> *Sesame Street* gave us our first real evidence beyond scattered anecdotes from parents of the remarkable rate at which young children can learn from television . . . We must begin to appreciate how well and how rapidly children can learn at a very young age, especially from visual media. (Lesser, 1972, p. 234.)

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[1] *The Electric Company,* a program for seven-to-ten year olds, focuses only on basic reading skills. *Sesame Street* tackles the whole range of preschool education. See Lesser (1972) for an explanation of the Sesame Street curriculum.

All of *Sesame Street's* goals, implicit and explicit, intellectual and social have their counterparts in commercial pograms and advertisements. There is reason to suppose they are being embraced just as eagerly by young children in one context as in the other.

3. Learning is a multi-faceted process. Children not only learn a variety of things from television, but learn them in a variety of ways.

A few years ago, it was widely thought that young children could not be expected to learn very much without direct experience. This idea was generally reinforced by popular learning theories stressing the role of tangible reinforcement in learning. It is now clear that learning in the absence of "hands on" experience, and in the absence of direct reward or punishment, happens in quite young children, and that the range of things learned is broad.

Several learning principles are operative. Imitation, or deferred imitation[2] of a model, is one. Television has obviously vastly increased the models available to children, not only in such areas as social deportment, sex typing and dress, but in the exercise of self-control, inhibition (or disinhibition) of behavior, dealing with disappointment and a thousand other things. This is a particularly important process because ". . . Observational learning does not require direct teaching in order to be effective. Simply displaying activities that convey an implicit attitude also can produce effective modelling." (Lesser op. cit.). Modelling is thus the primary means by which television can impart, very often unwittingly, what Gerbner (1974) calls its "hidden curriculum", a set of messages about the culture that "no one teaches, but everyone learns."

Modelling is not entirely understood, but we do know some of the factors involved. Identification with the model plays a role. The child will learn more if she can readily put herself in the protagonist's place. This is easiest when the protagonist is also a child and of the same sex as the viewer. The effect is heightened if the consequences of the protagonist's behavior are evident to the viewer. This is described as vicarious reward or punishment. Imitation also increases when the model is perceived to be a powerful figure from a child's point of view.

Interestingly, research in the development of sex differences (Mischel, 1970) and personality (Hoffman, 1970) now suggests that development in these areas is subject to a wide variety of influences. That is, young children gather their behaviors and attitudes from many models; not just parents. We would, therefore, do well to be concerned about the sort of models television offers.

Modelling is not the only mechanism that explains how young children learn so much from television. Sheer rote verbal learning is another. With repeated exposure, children can learn verbal chains such as the alphabet, number sequences and song lyrics. Music facilitates this process by providing memory cues. Often what is learned in this way can be trivial, but sometimes such a verbal chain can be associated with a set of concepts or symbols, and serve to organize them. With television this is quite easy to bring about, since visual stimuli can be presented in planned synchrony with their verbal correspondents. For example, letters can be shown in animation while the alphabet song is sung; or a certain cereal box can be shown while a jingle containing its name is sung.

Television production can also be designed to bring more elaborate cognitive processes into play. For example, a television scene may present an incongruity or unexpected incident which will engage the child's mind.

Consider the following segment from *Sesame Street:*

Two muppets, Bert and Ernie are involved. Bert, in an effort to establish his exclusive right to the cookie cabinet has painted a capital "B" for Bert on its front doors. Ernie notices that the letter spans the division between the doors and, in apparently innocent elaboration, establishes that the initial on the door determines access to the cookies inside. Bert agrees. Ernie then opens wide the right-hand cabinet door, removing the bumps from the "B" and leaving an "E" for "Ernie", and helps himself to a snack. Here the letter becomes the center of attention, and the child is led to reflect on the critical difference between an "E" and "B" (the bumps) while at the same time enjoying Ernie's joke on Bert. (Gibbon, Palmer and Fowles, 1975).

These are, of course, not all of the learning processes permitted by television, but they serve to indicate the *range*. Again none of these techniques for bringing about learning is the exclusive property of *Sesame Street* and *The Electric Company*, they are part of every program and commercial that appears.

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[2] Children develop the capacity for deferred imitation quite early (Fowles and Voyat, 1974). That is, they can observe a performance, store it mentally, and reproduce it later, when the model is no longer present.

4. Children's attention patterns and reasoning processes are distinctly and qualitatively different from those of adults, so their ways of processing and dealing with information (cognitive, social or emotional) are different from adults. We cannot judge or anticipate a child's response to television in terms of our own.

This final point may be obvious but it is crucial. Adults who are not constantly in the presence of young children forget easily how remarkably different a child's point of view can be from our own.

In all aspects of development children proceed through a series of distinct stages. The ability to think logically does not emerge until about age twelve. Before that, the child's thinking is at first intuitive, magical and egocentric, and then concrete and practical (Piaget, 1970).

A child in the intuitive stage of intelligence (the average *Sesame Street* viewer) does not, for example, draw a clear distinction between her own point of view and that of others. Likewise she does not discriminate between her own fantasies and objective reality. Dreams and imaginings have the status of observations. Logical necessities are not differentiated from events that are merely probable. The child at this stage cannot follow a line of inference, or a lengthy narrative, but views the world, including the TV world, as a series of isolated incidents; nor can she incorporate concepts communicated only verbally (definitions). Clearly what a child at this age takes from a television program will be quite different than what we take away ourselves; or than what an older child takes away. Even a child of seven or eight is different from an adult, though increasing verbal skills may obscure the differences. At this stage the child is still operating at a very concrete and literal level, and becomes very concerned with the rules governing social and moral behavior. Because we are aware that we cannot always anticipate how children will respond to new show material (though we are getting better with practice) research teams for *Sesame Street* and *The Electric Company* regularly gather children's reactions to new material. We have developed a variety of measures for determining whether material is appealing to children, whether they understand it, and what they learn from it. These techniques could be applied to determining the effects of other television materials.

Perhaps some of the conclusions to be drawn are obvious: We can say with great assurance that children from three to ten are learning a wide variety of facts, skills, concepts and attitudes from *Sesame Street* and *The Electric Company*. Since these programs are not very different from television commercials in their production techniques, communication strategies and attractiveness to children. It would be strange indeed if the learning stopped with a switch of channel. It follows that the impact of commercials on children is worth careful examination.

We don't know for sure what children of various ages are learning from commercials, though information about specific products may well be only a part of it. The research techniques that have served CTW so well are certainly available to commercial television as well.

I would add one note about our operating procedure at CTW. Formative research for us is not a long, drawn-out affair. The techniques we have developed allow us to test new materials *quickly* and feed the results back to producers, often within a week or two. We try to be conservatives when it comes to the potential for disturbing, confusing, misleading or boring children. We don't wait for test results to *prove* that material is harmful before removing it from broadcast. If we find that it could be detrimental, we never put it on the air. The question of whether what children pick up from television actually makes any difference in the long run can always be raised, but may never be definitively answered. It is almost impossible to isolate the effects of television, let alone particular programs or ads, from the countless other influences on any child's development. There have been cases in which advertisers also remove questionable materials. This suggests a growing consciousness that there is no justifiable reason to take risks with audience while awaiting a definitive research answer.

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Mr. MACDONALD. I am going to ask you a couple of questions before I go, and if you could wait for 5 minutes after I go, because I have some more.

How do you determine what goes into a children's program? What are the first things that you look for? I am not talking about financial success because I know that "Sesame Street" started on public broadcasting with very limited funds. What is the other program that you mentioned?

Ms. FOWLES. "The Electric Company."

Mr. MACDONALD. What do you look for first?

Ms. FOWLES. In designing one of our own programs?

Mr. MACDONALD. Yes.

Ms. FOWLES. Since our programs are educational, we begin first with the concept that we want to get across to the child. Then designs get around it that are appropriate for the child's intelligence level to get the idea across to him without confusing him, if possible. That is where the testing comes in. Does this answer your question?

Mr. MACDONALD. Yes, up to a point. All of the educational programs that you talk about are not limited to educational programs. They are entertainment as well.

Ms. FOWLES. Right.

Mr. MACDONALD. Do you have any format for x amount of learning and y amount of just plain entertainment?

Ms. FOWLES. We found that separating the two is a fairly arbitrary thing to do. Teaching can be perfectly entertaining when it comes to a small child. So we don't worry about the balance. The entertainment kind of comes in the process of teaching.

Mr. **Macdonald.** You had nothing to do with this program, but they had a program in Boston called "Zoom," which I think went national after a while, to Public Broadcasting, on a list of things that were available to local broadcasters.

They seemed to get the education in such a way, unlike "Misterogers' Neighborhood" or some of the others; there is no "Big Bird." There is not anything. They are just kids doing things. They look like they enjoy what they are doing, and they are learning at the same time. It seemed to me to be a perfect mix, although it got dropped for some reason that I still don't understand. I was wondering why something like that would get dropped.

Ms. **Fowles.** I think that "Zoom" got dropped partly because of "Sesame Street." What happened was this new thing with the station having the right to vote, and they voted for "Sesame Street" because you almost have to have "Sesame Street," and they said that this was it for the children's programing, and they could not afford any more.

So, when it came to a choice of "Sesame Street" over "Zoom," they took "Sesame Street." The parents seem to like "Sesame Street."

Mr. **Macdonald.** I know they do, but it is not what the parents like, but what the children like.

Ms. **Fowles.** I think that "Zoom" hit a narrower audience than "Sesame Street" does.

Mr. **Macdonald.** I don't doubt that because when the children are about, we don't miss "Sesame Street." I talked to Mr. Gunn when he was up here. We have been sponsoring that public broadcasting bill for a long time. One program does not make a station. I meant it.

"Sesame Street" is fine, but it is not necessarily because it was the best program, it was kind of the only program. Now it has gotten to be, or it seems to be going a lot on its reputation.

I am not knocking it, but I am saying that with something like Zoom, I would not think that you would care what the parents liked about it, or what they disliked, or that you should make the judgment on the basis that they are watching it, too.

I will have to answer the quorum call, but I will be back.

[Brief recess.]

Mr. **Macdonald.** The hearing will resume.

On my way over, it seemed to me that I had been a little harsh on PBS, which I didn't mean to be at all. I hate to say that I am a fan of kids' television shows, but maybe it is like rooting for a team or something. I may sound a little prejudiced about "Zoom."

Ms. **Fowles.** I think that the new system is really unfortunate. I agree with you. I think that it is too bad that "Zoom" went off the air, and "Villa Alegre" is going off the air for the same reason. I think that it is a shame.

"Villa Alegre" is similar to "Sesame Street" presented in Spanish. The appeal is to a small number of stations where there are a lot of Spanish-speaking people. It did not get enough votes, and it will not be produced anymore.

Mr. **Macdonald.** What else got cut off?

Ms. Fowles. "Carrascolendas," which is another bilingual program. An awful lot of the things that have special audiences are being cut out.

Mr. Macdonald. "Zoom" did not have a special audience.

Ms. Fowles. I suppose that it did not. It does not have the mass appeal that "Sesame Street" has, and what happened is that there came to be a choice situation.

Mr. Macdonald. I guess there were children that simply did not watch "Zoom."

Ms. Fowles. I just think that "Sesame Street" has a broader age group. More people are familiar with it. Most station managers felt that their constituency wanted "Sesame Street," and when it came to choosing one children's program over another, they chose "Sesame Street," even though it is very expensive. They just sort of thought that they had to, and they did.

Mr. Macdonald. I just tried to get them 5 years, and it came within the last day or two.

We started out by trying to define what factors went into making programs, motivation, et cetera, and how you pick one over the other. This is how we got into how you pick one, and take the other one off the air.

How do you pick one, when someone comes up with a good idea like "Zoom." From there, do you have psychologists on the staff producing it, psychologists that understand the behavior of children?

Ms. Fowles. We do, but I don't think that other places do. Children's Television Workshop is the only production facility that has several full-time psychologists on the staff.

Mr. Macdonald. Do you have four?

Ms. Fowles. We have at least four, or five.

Mr. Macdonald. Do you know if that amounts to much in terms of dollars?

Ms. Fowles. The research budget for television workshop is small as compared to the production budget, but it is several hundred thousand dollars a year, which is generous, and I think it indicates that research is a pretty important part of the organization. The production runs to millions, but nevertheless, that is the way it goes.

Mr. Macdonald. That is a good deal more than the FCC and the FTC are spending, I will say that.

I have no further questions. I yield to the gentleman from Colorado, Mr. Wirth.

Mr. Wirth. Thank you, Mr. Chairman.

Dr. Fowles, I want to focus on the last finding, where you make the four points in your testimony. I would like to focus on the last one, the children's attention patterns and reasoning processes, being quantitatively and qualitatively different from those of adults.

In that statement you were close to the heart of what I think this week of hearings has been about. As I understand it, one of the things that we are trying to establish is that there are effects on children who must see on a continuing basis advertisements for, let us say, to use Mr. Bellotti's complaint, over-the-counter drugs of one kind or another.

We have heard from various witnesses some feeling that the linkage is very clearly there, and some others say that the evidence is not yet there that that link exists, that there is a casual relationship between seeing, let us say, the taking of aspirin, Sominex, or some other over-the-counter drug that may fall into that category, and the fact that the kids may take them. Do you know anything about the evidence that would suggest that those two are hooked together?

Ms. **Fowles**. I don't think that there is any evidence in that form, that children watch drug commercials and then go and take an aspirin. You have to make inferences. People have mentioned poisoning, and you cannot conduct an experiment in that way. It is unethical.

If you are going to make decisions in that area, they have to be by inference. We can certainly say, on the basis of our experience, that children learn from television. That they will watch something happen on television, and that they will then do it. If they will do one thing, why not another? I don't think that the leap is very great.

Mr. **Wirth**. If they can learn about the cookie cabinet with the B and E, they can learn about the aspirin bottle, and the fact that the attractive housewife model on television, who looks like mommy, or the perception of mommy, takes a Sominex.

Ms. **Fowles**. Exactly. If the Sominex is around, they are more likely to pick it up if they have seen it, than if they had not seen it, and imitate the behavior which they saw on television, which is to open the bottle, swallow a tablet, and then feel terrific.

Mr. **Wirth**. I know that you cannot conduct research directly on this question, but given the state of the art as it now exists, and the very, very sophisticated psychological testing and modeling where you can draw inferences, you could really pin this down to more than just an instinctual reading.

Ms. **Fowles**. You certainly could. I suppose there is always some point where some person is going to say that it is not the same, so they will not believe you. But you could get close enough to where a reasonable person would have to agree.

Mr. **Wirth**. Do you think that this has already been done in some way?

Ms,. **Fowles**. I think that some of the research that Dr. Liebert has done shows pretty good evidence. The evidence about eating pine bark is pretty close. I think that most sane and concerned people would accept that. At least give pause for thought about young people eating pine bark on television.

Mr. **Wirth**. There is a point where we might agree, the things that we would agree children should not take, perhaps should not be advertised to children, or perhaps should be taken off. Some people have suggested, such as Mr. Bellotti that they should not be shown from 6 in the morning to 9 at night.

A second area of concern which comes to mind is what might be considered by the medical profession, or the American Dental Association to be potentially very harmful to children like great sugar intake through cereals, or candy bars or something like that.

Do you have any reaction to that? I know that this is not your field. You certainly don't have to answer if you don't want to.

Ms. **Fowles**. I can only answer as an individual. I for one would rather see that sort of thing not advertised to children. I don't see any virtue in it.

I think that children definitely are learning eating habits and shopping habits from television, and I think that those sorts of things should not go on either.

Mr. Wirth. Do you think that there should be any advertising on television for children?

Ms. Fowles. No; I don't. I think that after age 10, 11, or 12, it is fine. They can understand what advertisement is about. They can understand the difference between an advertisement and a program.

They know that an advertisement is there to sell you something, so you watch it with a certain attitude.

Mr. Wirth. So, if you were queen, you would eliminate advertising from all children's television programs, those that are focused on kids?

Ms. Fowles. I certainly would. Perhaps in prime time it is not possible, but I would try to make the advertisement unattractive to children, and still get the information across to the adults. Maybe that is a possibility.

Mr. Wirth. Somebody in the course of this hearing has suggested that advertisements or approaches of public service messages could teach kids, or help kids to make that distinction.

Mr. Macdonald. We have to leave, but we will be back in 4 minutes.

[Brief recess.]

Mr. Macdonald. The hearing will be in order.

I believe that Mr. Wirth was questioning the witness. Do you have any further questions?

Mr. Wirth. Yes.

Who do you consider in the area of research on children and television to be the individuals or two or three people who know the field best. I notice the lengthy bibliography in your testimony. Are there individuals who are generally recognized as experts in the field, who are not grinding an ax, but really know what they are talking about.

Ms Fowles. Dr. Liebert is one, certainly, in the social area. Maybe Gerald Lesser from Harvard in sort of a cognitive and learning area. I know that there are a lot of people who are sort of associated with those two. Then, there are the people at the Children's Television Workshop. Most of us kind of know what we are doing by now.

Mr. Wirth. Do you have any studies that have been done about the difference between children watching television by themselves as on the Saturday morning hour, and children watching television with their parents, let us say, in a family hour?

Ms. Fowles. I am not familiar with any kind of research of that kind first hand. We have done some on our own shows of parents watching with children, viewing Sesame Street.

I would not be sure that the same processes apply, but when parents watch Sesame Street with their children, the children tend to watch much more closely and tend to learn more from it.

I can only guess that if a parent is there watching a program and advertisement with the child that there is sort of a tacit approval of what is going on on to the screen just by the parent's presence.

Mr. Wirth. Could one make the inference from that if the child is watching television with the parent, paying more attention, as you were suggesting, and if on that television program there are drug advertisements, or whatever it might be, that this would have a greater impact on the child's tendency to take the aspirin or the Sominex, or whatever it might be?

Ms. Fowles. Actually taking the drug, I don't know. But attending to the advertisement and absorbing what it says, yes. I think that you have to balance that with the kind of habits that the parents have. If the parent is a drug taker, then I think that the likelihood zooms that the child would take drugs too.

Mr. Wirth. Thank you very much, Mr. Chairman.

Mr. Macdonald. You are our last witness and we are going to have many more amendments. So we thank you very much.

I have one other question which I have not asked. You are a psychologist. I am not being demeaning, but do you call them psychologists?

Ms. Fowles. Whom?

Mr. Macdonald. The people you indicated that you have four or five of?

Ms. Fowles. Yes.

Mr. Macdonald. Child psychologists. Do they differentiate between age groups, and, if so, how? Everybody I have listened to more or less has a different idea of what a child is.

Ms. Fowles. Definitely; yes. I think that usually you differentiate between, let us say, a child below the age of five, and a child between 5 and 12, as far as teaching patterns go, and then 12 and above.

A child who is younger than five or six definitely has different attention patterns and thinking processes than a child who is older than that. We certainly make that distinction in our program.

Mr. Macdonald. At five, in some states, they go to school. Do you think that it is fair to differentiate between the preschooler, the child in school, and then one of 12 would be a second category, when they are not children and they are not adolescents. It is hard to find out wht they are after that.

Ms. Fowles. It depends on what the distinction is for.

Mr. Macdonald. I am talking about advertising on television, and television in general. I hope that this is what you have been talking about right along.

Ms. Fowles. I think there is a useful distinction between the preschooler and the child once he begins to go to school; learning to read makes one difference, and being exposed to school and the way of thinking that is encouraged in school. I think that this helps to deal with the television, and so forth, much better than a preschooler can.

Mr. Macdonald. Do you think that they ought to be treated on television differently, and if so, how?

Ms. Fowles. I don't think that you really can because I think they overlap in who is watching what. I think that the overlap is enormous, and I don't think that there is any practical way of doing that.

Mr. Macdonald. Mr. Wirth is recognized.

Mr. Wirth. There is one thing that I wanted to ask you about. You were talking about different kinds of messages for kids and adults in your earlier discussion with the chairman.

Is it possible, or do you have any knowledge of this, to beam a message, an advertising message that adults would focus on that would do that job, that would appear to have enough noise or disinterest in it that kids would not see it?

Ms. Fowles. Yes; all you have to do is have the person standing there talking, and that would do it. I don't know whether adults would watch it either, but children certainly would not watch it.

Mr. Wirth. Do we know enough about the behavior of adults and what they watch and what they don't watch in an advertisement to suggest that you could still have an effective advertisement for adults that would not be something that kids would focus on?

Ms. Fowles. I suppose that it is possible. It would be tricky, to say the least, to find a way to advertise to adults, other than just straight verbal messages that would look like the 6 o'clock news, without appealing to children as well.

There may be a few techniques that are attractive to adults and not to children. I don't know what they are offhand, other than that.

Mr. Wirth. We talked earlier about the possibility of creating advertisements to teach kids how to watch television and to watch advertisements and to differentiate. You through that this was a good idea, as I remember.

Another suggestion that has been made is the possibility of adding to an advertisement—let us say for a drug or for Drano—some kind of a symbol that would come on the screen that would say to children: "This is an adult product." Would anything like that be effective?

Ms. Fowles. No, I don't think that it would be effective at all. It might alert parents to segregate children, but the child will pay attention to what is most interesting and most entertaining in the commercial, which is the product and all that surrounds it, and not the symbol at the end. At that point, he is not paying attention anymore.

Mr. Wirth. What about the voice over?

Ms. Fowles. The visual stuff is much stronger than the verbal, and I don't think that this would work either.

Mr. Wirth. So, we will be nibbling at the edges.

Ms. Fowles. Something like this is better than nothing, but not a whole lot better.

Mr. Wirth. Do you have any overall reaction as to what is in the NAB Code?

Ms. Fowles. The NAB Code, as far as what it says about advertising during children's hours, is not bad in the safety realm. It does not do enough as far as eating habits, et cetera. It does not do anything about social roles and social behavior. The adult part of it, the prime time part of it, does absolutely nothing. I think that it is ineffectual.

Mr. Wirth. Do you think that the NAB Code should have focused on nutrition, candy bars, and cereals, and that social roles could have been developed in the NAB Code?

Ms. Fowles. It could be, but whether they would enforce it, I don't know. There is no reason why it could not be added to it.

Mr. Wirth. So your two suggestions are broadening the code for children's hours to include such things as nutrition, and what you were suggesting as the social behavior, et cetera. Second, that the code should focus on those times at which children are watching programs, which are not predominantly children's shows.

Ms. Fowles. I think that all the stricture should apply to prime time programming as well, and not just to children's programming.

Mr. Wirth. Of course, that projects great revenue losses for the networks.

Ms. Fowles. Yes.

Mr. Wirth. If they have that revenue loss, it means that they don't have that much money to produce the White Paper that they might be doing, or the news programs, et cetera.

Ms. FOWLES. I suppose that it is possible. It is hard for me to imagine that there would be that much revenue loss from designing their advertisements more carefully. We have no evidence that this is true.

Mr. WIRTH. Have you worked with advertising agencies and talked to them, the people who develop the ads, the Madison Avenue folks, who, as you know, refused to come to these hearings. They declined our invitation to come.

Ms. FOWLES. I have not worked with them, but I know some of them personally.

Mr. WIRTH. I would suspect that they have some very good researchers, wouldn't they?

Ms. FOWLES. Yes.

Mr. WIRTH. They would have a pretty good idea as to what could be marketed to kids, and some of those people would be equally capable of assuming different directions, wouldn't you think?

Ms. FOWLES. In theory, yes.

Mr. WIRTH. What you are suggesting, is that a very doable proposition?

Ms. FOWLES. Completely doable.

Mr. WIRTH. It might be optimal for us to work with them. Perhaps it could be done on a voluntary basis. It would be great, and we would get a much stronger return from that, if they will do it.

Ms. FOWLES. If it happens. I really don't know.

Mr. WIRTH. Thank you very much.

Mr. MACDONALD. Thank you. We could hold a conversation with you all day because of your knowledge and our interest. Unfortunately, we will have to close your testimony, and assure you that you have been very helpful.

The only place that I differ with you, and perhaps with Mr. Wirth, is that the NAB Code is a voluntary code, and there is no way that we can tell them to put this in the voluntary code.

Ms. FOWLES. We were just having a theoretical discussion.

Mr. MACDONALD. Thank you very much. In closing, I would like to ummarize what I believe we have accomplished by holding 4 days of hearings on the subject of broadcast advertising to children.

First, we have endeavored, and I think perhaps successfully so, to encourage greater cooperation between the Federal Trade Commission and the Federal Communications Commission regarding those areas of regulation that both agencies share.

I believe that this cooperation should be institutionalized in some way, so that it does not collapse when the current Chairmen of those two agencies leave. I am not suggesting that the staffs of the two agencies meet every week, but I am suggesting that they should meet regularly to discuss current problems that they share because it was quite clear from these hearings that there is a considerable overlap, an overlap which I have known was there, but I never realized the degree of the confusion.

Second, we have at least given Chairman Wiley the thought, and he gave back the semiassurance that the reestablishment of the special children's unit at the Federal Communications Commission would become a reality for a second time. We will not go through the entire history, but the unit was only organized in 1971 and has since died. We are trying to find out exactly when it did die, since one side says that it did not die and the other side says that it did. I should not say that it died, but like a good soldier it just faded away.

Unfortunately, the reasons for its existence have not gone away, and I feel quite strongly that it should be reestablished. I think that the questioning of both the Chairmen established beyond any doubt that it should be reestablished.

The problems of television programing and advertising directed toward children will not go away. There is just no way that they are going to disappear. I don't believe that this unit of which I speak should disappear either.

Third, we have emphasized, and I hope for the very last time, the need for more research in this area of advertising and especially that for children. By mentioning more research, I am not suggesting a colossal effort costing millions of dollars.

We heard from Dr. Liebert yesterday that some research was needed into the effect of advertising on children, and also that it will not cost that much. He also said that it would not take that long, and estimated, I believe, just a few months. I was shocked to hear that Dr. Liebert had to do some work in this area for the Federal Trade Commission at his own expense, as distinct from the Commission's. In total, it seems such a pittance to pay somebody, such as Dr. Liebert, for his contribution. It is unfair to take advantage of his good will.

I think that this is wrong, and both agencies should, and in my judgment are able to, adequately fund their own research, either out of supplemental appropriation, which I don't believe they need, or with the funds they already have.

In any event, I believe that they are adequately funded by the Congress to do these things, very minor but very necessary jobs, and if nothing else to be a conduit to such people as yourself, Dr. Fowles, and Dr. Liebert, and others, to get your opinions, your advice, which they, then, could translate for the commissions, perhaps for this subcommittee.

In addition, I think we have planted the idea, I hope, it was hard to tell, for me anyway, I hope that we broke through and planted an idea with Mr. Engman that he should perhaps hire some researchers of his own at the FTC. I suppose that if he can get it for nothing, he does not want to pay for it, but it seems unfair, and that practice should be stopped.

I feel certain that Chairman Wiley can make available the expertise he needs on his own research staff at the FCC.

Fourth, I have instructed my staff to explore the legislative alternatives in this area. This is not to say that I am going to introduce a bill within the next few weeks, or even the next few months, but I am aware that this problem has been with us for a long time, and I am beginning to wonder whether self-regulation without any apparent punishment for wrongdoers can ever, indeed, work.

Today, officially, I want to put both advertisers and broadcasters, but especially advertisers, on notice that if the situation does not improve, I will seriously consider introducing legislation to do by regulation what they will not do voluntarily and which needs to be done.

I am not being a politican, nor waving a flag or anything else on behalf of the children of this Nation, nor on behalf of the Nation itself.

My staff has been told that they must keep a close watch on this issue. I personally do not intend to forget it, or put it on the back-burner. It is going to be on the frontburner.

We will be back in the fall and as much as by law, the Congress is told to take August, so August has to be struck as far as a productive month is concerned, and our schedule for July is already jammed.

We will be back here in September and will be looking forward to replies to letters that I will be sending out. Also, at a later date, we will see how the family viewing concept, at which I have always looked with a jaundiced eye, but not so jaundiced that I cannot see clearly is working. I have an open mind.

Looking back in time, and on other things, something else like this was started with the best of intentions, and it did not end up the way that the intention sounded. We will take a really close look at the family viewing concept, to see if it is working.

With that, the hearings are closed.

Mr. WIRTH. Mr. Chairman, would it be possible to associate myself with your comments and your good will, and good work. Also I would like to congratulate Leena Johnson of your staff, who put the hearing together, who deserves, I think the real credit for doing this.

I would hope that my staff would be able to work with yours in working on the mechanisms that you are talking about for when we come back in the fall. We fully intend to be following up during the rest of July and August, and meeting with the various groups that have testified and with others, to try to figure out from them where they think that we ought to be going. Hopefully, this will come back in some kind of a more coherent package this fall.

Thank you, Mr. Chairman.

Mr. MACDONALD. Certainly, my staff welcomes all members of the staff, and yours will be among those.

I would like to point out that while Leena has done a very good job, that this was not a one-woman effort. She will be the first to tell you. I think that all my staff has worked very hard on this, and they all contributed to the effort. I am sure that they will continue to do so.

The hearings are adjourned.

[The following statement was received for the record:]

STATEMENT OF THE PROPRIETARY ASSOCIATION SUBMITTED BY JAMES D. COPE, PRESIDENT

The Proprietary Association appreciates the opportunity to submit its views for inclusion in the record of these proceedings. We are a non-profit trade association, the members of which are manufacturers of non-prescription, or over-the-counter (OTC) medicine products.

We understand that the Subcommittee's concern in these hearings is with the effect of television advertising on young persons and children. This statement will be specifically directed to the question of whether the televised advertising of OTC medicinal products is related to the misuse, overuse, or accidental ingestion of such products by young persons and children. We will also review the evidence bearing on the question of whether such advertising has any relationship to the use of the so-called "hard" drugs. Over the past five years, there have been recurrent allegations, unsupported by evidence, seeking to link these problems with advertising for OTC medicines. We believe it is essential that the record of these proceedings reflect the available scientific evidence bearing on these issues. We, therefore, respectfully request that the various appendices attached to this statement be included in the record, as well as the statement itself.

This Association is, of course, most concerned over any suggestion that television advertising for non-prescription medicines may in some way be related to drug abuse, or to the misuse, overuse, or accidental ingestion of OTC medicinal products. Our membership, quite understandably, does not intend such an effect, and would not tolerate it.

Since 1970, this Association has made a sustained effort to examine this question, and to keep abreast of all relevant research having a bearing upon it. We are more than happy to share the results of these inquiries with this Subcommittee, or with any other interested party. We are also most anxious to review any relevant evidence obtained by others bearing upon this question.

The available scientific research fails to disclose any evidence that broadcast advertising for OTC medicines correlates with the use of illicit drugs, or with the abuse of legitimate medicines. In fact, the evidence is to the contrary.

HISTORICAL PERSPECTIVE

Drug abuse is an old phenomenon; it has been around almost as long as man himself. In this country, the use of cocaine and opiate derivatives dates from the Civil War; use of marihuana dates from the early part of this century.[1]

REVIEW OF SCIENTIFIC LITERATURE

Commencing in 1970, this Association sponsored an independent review of the scientific literature on the causes of drug abuse, with particular attention to any identifiable role of advertising as a contributory or reinforcing factor. The research was conducted by the firm of Oxtoby-Smith Inc., of New York. It was understood, of course, that the Oxtoby-Smith firm would perform the research in its own way, and that its conclusion would not be subject to any pre-clearance by, or influence from, this Association.

The original report was submitted in April of 1971 and reviewed relevant research published from 1950 through January 1971. This report has been periodically supplemented and updated to reflect subsequent research. The current report, Supplement No. 4, carries forward the update of the literature to include material published through October of 1974. Copies of both the June 1972 summary and the current supplement are herewith submitted for the record (Appendices A and B of this statement). The summary of the Oxtoby-Smith report states:

"There are no studies which demonstrate the effect of proprietary drug advertising on the use of illicit drugs. . . . The findings indicate that Western nations with controls of proprietary drug advertising do not appear, in the aggregate, to be either better or worse than nations without advertising controls with regard to the scope of drug abuse among their youth." [2]

These conclusions are similar to those of the National Commission on Marihuana and Drug Abuse released on March 22, 1973. The Commission was created by the Congress as part of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802). While the Commission was specifically directed by the Congress to investigate the possible involvement of advertising and the problem of drug abuse, the Commission's report did not include advertising among the causes of drug abuse. Rather, social problems, such as the alienation of youth, the decay of values and the decline of economic incentive, appeared to be the most closely related to the problem of drug abuse.

In 1969, the National Broadcasting Company initiated a comprehensive study, inquiring into the use of both proprietary and illegal drugs by teenage boys. The study was conducted by J. Ronald Milavsky, Social Research Director for the National Broadcasting Company, and was discussed at a June 1974 meeting of the American Association for Public Opinion Research. The study, which we hereby submit for the record (Appendix C of this statement), concluded that exposure to television drug advertising did not increase readiness to take illicit drugs. In fact the study concluded that there was a negative relationship between exposure to drug advertising on television and the use of illicit drugs—both marihuana and other drugs.[3]

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[1] "Drug Use in America: Problem in Perspective," Second Report of the National Commission on Marihuana and Drug Abuse (1973), p. 4.

[2] Oxtoby-Smith Inc., "Why Do American Youth Use Illicit Drugs? A Summary of Scientific Research," Oxtoby-Smith Inc., New York, June 1972, pp. 4–5 (mimeographed).

[3] Milavsky, J. R., Pekowsky, B., and Stipp, H., "Exposure to Drug Advertising on Television and Illicit Drug Use Among Boys" (National Broadcasting Company, 1974), p. 26 (mimeographed).

In a 1974 report entitled "Applying Buyer Behavior Analysis to Social Problems: The Case of Drug Use," James Hulbert (Associate Professor at Columbia University), surveyed television exposure and drug use among 990 college students. The study is hereby submitted for the record (Appendix D of this statement). As to the specific point of concern to this Subcommittee, Professor Hulbert concluded:

"The overall pattern of results suggests that television and television advertising are generally not factors linked to usage of illicit drugs. The negative relationship of weekend television viewing and 'hard' drug usage is probably best explained by a distribution-of-time hypothesis—those students who are sitting around watching television on weekends are not likely to be using 'hard' drugs. The only significantly positive relationship observed was that between advertising recall and marihuana usage. Nonetheless, in general it would appear that the *oft-expressed fears about television's contribution to the 'drug culture' received little support from the results of this study.*"[4] (emphasis supplied)

In a recent, as yet unpublished, article (Appendix E of this statement), Donald E. Payne, Ph.D., Director of Research, Oxtoby-Smith Inc., summarized these two studies as follows:

"In short, both the Milavsky, et al. and the Hulbert studies provide evidence that exposure to drug advertising on television does *not* lead to the use of illicit drugs by youth. There is as yet no evidence that it does. It is increasingly plain that, if drug advertising on television contributes at all to illicit drug use by youngsters, that contribution has so far been undetectable. It means, further, that *the burden of proof is on those who would hold otherwise in the face of the evidence.*"[5] (emphasis supplied)

And, finally, a study report by the staff of the Federal Trade Commission was summed up by an FTC official as follows:

"In its study, the staff did not find the existence of hard facts which would clearly establish a casual relationship between advertising and drug abuse."[6]

DRUG MISUSE—INTERNATIONAL ASPECTS

We recognize, of course, that the Subcommittee is concerned not only with the use of illicit drugs, but with the misuse or overuse of legitimate drug products. Here, too, we feel that evidence is available to refute facile contentions that television advertising is promoting such a result. Fortunately, comparisons can be made between the United States and other western countries which do not have television advertising.

The National Institute of Mental Health surveyed nine western European countries in 1971 to determine the extent of anti-anxiety/sedative drug use, and found that the "results placed the United States slightly above the middle among the nine countries surveyed . . . a finding that strongly suggested that this country is neither unique nor atypical in drug use."[7] Both Sweden and Denmark had higher use rates than did the United States, even though those countries have no broadcast drug advertising. Denmark, in particular, is thought by many to have a severe drug problem. Conversely, Australia, where drug advertising is permitted, does not have a serious drug problem.

LIQUOR AND TOBACCO ADVERTISING

The examples of cigarette and liquor advertising are also relevant to this question of whether television advertising is related to misuse or overuse. Neither cigarettes nor liquor are advertised over television. Congress banned the broadcast of cigarette advertising in 1971,[8] and the broadcast industry has over the years voluntarily declined to accept hard liquor advertising. Yet, the nation's biggest drug problem is alcohol, and the consumption of cigarettes has increased significantly since the television ban was instituted.[9]

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[4] Hulbert, J., "Applying Buyer Behavior Analysis to Social Problems: The Case of Drug Use," Columbia University, 1974, p. 292 (mimeographed).

[5] Payne, D. E., "The Relationship Between Television Advertising and Drug Abuse Among Youth: Fancy and Fact" (unpublished article), 1974, p. 7.

[6] Address by Gerald J. Thain, FTC, presented at Pharmaceutical Update, The Food and Drug Law Institute, Atlantic City, Sept. 13, 1971.

[7] Balter, M. D., Levine, J., Manheimer, E. I., "Cross-National Study of the Extent of Anti-Anxiety/Sedative Drug Use," New England Journal of Medicine, vol. 290, pp. 769–774 (April 1974).

[8] 84 Stat. 87–90, 15 U.S.C. section 1335 (1969).

[9] "Tobacco Situation," PS 152, June 1975, Economic Research Service USDA.

The problems of overuse and misuse of liquor and cigarettes have been matters of widespread national concern for many years, and go beyond the scope of the Subcommittee's present hearings. What is clear from the above facts, however, is that such complex problems cannot be resolved by the simplistic expedient of restricting or prohibiting television advertising.

BELLOTTI PETITION TO FCC

Despite the weight of the evidence, however, it is always possible for those who are either unaware of it, or choose to ignore it, to construct plausible sounding accusations. Recently, the Honorable Francis X. Bellotti, Attorney General of Massachusetts, sought the support of other State Attorneys General for a petition which he intended to file with the Federal Communications Commission. The petition asked the FCC to promulgate rules "eliminating and/or restricting the television advertising of over-the-counter drugs before 9:00 p.m." In that proposed petition, Mr. Bellotti sought to associate television advertising of over-the-counter medicines with misuse and harmful ingestion of such products by children. We have carefully considered this petition; it contains, in our view, nothing more than the same threadbare arguments which have been raised by others on several previous occasions and have been uniformly unsupported by relevant evidence.

Mr. Bellotti's petition contains only one reference to a scientific study in support of the drastic regulatory measures he proposes, a paper prepared by Charles E. Lewis, M.D., and Mary Ann Lewis, R.N., M.S.[10] Mr. Bellotti describes this study as demonstrating "the fact that children are particularly susceptible to drug and health care advertising." This conclusion, even if accurate, would not furnish a basis for restricting or banning advertising which is truthful and informative. But the conclusion itself ignores relevant facts about the study. The authors themselves call attention to "several basic defects" in the study, including the fact that "the data on drug-taking behaviors of both respondents and their parents are unvalidated." [11] The authors also note that:

"Commercial messages had the greatest credibility among the children of parents who used the substance in question. The modeling behavior demonstrated by parents seemed to be of greater influence than the child's personal experience with products advertised." [12]

INGESTION BY CHILDREN

Mr. Bellotti's petition also states that in 1973 there were 163,500 children "poisoned" by ingestion of substances, and that 27,465 of these represented poisonings of children under five years of age by OTC medicines. He cites the Food and Drug Administration as the source of this data. The figures to which Mr. Bellotti refers are for ingestion case reports, not "poisonings." [13] Furthermore, the figure of 163,500 refers to such reports for persons of all ages, not just children. In addition, the figures do not relate specifically to OTC medicines; Mr. Bellotti's estimate of 27,465, therefore, would have had to be derived from data relating to both prescription and OTC medicines, or from even more extensive categories including substances other than medicines. Furthermore, and bearing directly on the Subcommittee's concerns, there is nothing whatsoever in this data which would furnish a rational basis for associating ingestion of substances by children with television commercials.

It is, moreover, an extremely implausible assumption that children swallow potentially harmful products on the basis of television commercials. Furthermore, there is no evidence that households that limit young children's TV viewing, or ban it altogether, experience these occurrences to any less degree than households not imposing such viewing restrictions.

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[10] Lewis, C. E., Lewis, M. A., "The Impact of Television Commercials on Health Related Beliefs and Behaviors of Children," Pediatrics, vol. 53, No. 3 (March 1974). (Note: Mr. Bellotti also mentions in his petition (p. 18) an article by Dr. Arthur A. Berger entitled "Drug Advertising and the 'Pain, Pill, Pleasure' Model," 4 Journal of Drug Issues 208, 209 (1974). This article does not represent anything more than the views of the author, and is unsupported by any reference to relevant studies or research.)

[11] Ibid., p. 433.

[12] Ibid.

[13] During 1970, there were a total of 226 deaths from accidental poisonings of children under five years of age (total for all substances); 124 of these were attributed to ingestion of drugs (OTC and prescription). See National Clearinghouse for Poison Control Centers (FDA) Tabulations of 1973 Reports Bulletin, May–June 1974.

The available statistics do not establish television as a causative factor in poisoning. To the contrary, fatalities of children under five years of age caused by ingestions of hazardous products have substantially decreased since the early 1950's, the beginning of the television age.

The National Clearinghouse for Poison Control Centers (FDA) reports a decreasing ingestion pattern for aspirin (the drug most frequently involved in ingestion by children) over the past several years. Interestingly enough, figures for glue and other adhesives, which are rarely advertised on television, have increased. Aspirin ingestions have dropped over 75 percent in the last nine years, due, we believe, to the use of safety packaging and increased public awareness of the hazards of aspirin poisoning.

We think the problem is considerably more complex than some would have us see it, and suggest that those who base their arguments on the preeminence of television as a model for child behavior are missing an important point. Children, especially younger children, are naturally inquisitive and parents who are careless in storing potentially hazardous substances are risking a tragedy. Dr. Henry Brill, a noted psychiatrist and a member of the National Commission on Marihuana and Drug Abuse, has put the matter in a more realistic perspective:

"You wouldn't leave a bottle of aspirin within reach of a two-year-old, so why put a bottle of tranquilizers under the nose of an equally curious teenager? But I don't think that even the most drastic curtailment of ads and commercials would make a decisive dent in the drug-abuse problem." [14]

Earlier this year, Donald E. Payne, Ph.D., Director of Research, Oxtoby-Smith Inc., concluded that the present weight of evidence suggests that proprietary drug advertising is being made a "scapegoat"; and that this has the unfortunate effect of diverting effort and resources to a "factor which is simply irrelevant to the reasons for use of illicit drugs by youth." [15] It is our feeling that attempts to link television advertising with childhood ingestions of drugs are equally implausible and unsupported by evidence.

INDUSTRY ACTION

The Association and its membership are aware of their responsibilities and determined that their advertising be conducted in a responsible as well as a legal matter. A copy of The Proprietary Association's Code of Advertising Practices, which is subscribed to by all of its members, is herewith supplied for the Committee record (Appendix F of this statement). It includes the following pertinent provisions:

"Advertising of a proprietary medicine should avoid representations by word or picture which, in reasonable construction, are commonly associated with the 'drug culture' or which imply a casual attitude toward the use of drugs.

"A proprietary medicine should not be advertised in a manner which is likely to lead to its use by young children without parental supervision. A proprietary medicine should not be advertised on programs or in publications specifically directed toward young children."

It is, perhaps, unnecessary to point out that the inclusion of such provisions in our Advertising Code is in no sense indicative of a feeling that advertising for OTC medicines is linked with drug abuse. On the contrary, we believe strongly—and have evidence to support our belief—that the two are not related. The Proprietary Association and its membership have taken action to deal with any possible relationship, and will continue to do so.

In 1966, members of the industry organized the Council on Family Health, an organization established to promote home safety and family health. The Council presently conducts a worldwide information program directed at parents as guardians of family health and welfare. In cooperation with health and safety experts, the Council develops educational information which is widely distributed (through public service advertising campaigns) by television and radio networks and stations, major consumer magazines, and newspapers. The Council also produces various public service films, slides, and tapes for radio and television use.

SUMMARY AND CONCLUSION

Drug abuse has presented problems of varying seriousness throughout history and in every culture of which we know. When allegations were raised, starting in 1970, that some link existed between this problem and advertising for OTC medicines, this Association commissioned an independent and on-going review of the medical and scientific literature to determine if there was any truth to the allegations. During the five and one-half years we have been following this issue, no one has faulted the quality or completeness of the study performed for us by the Oxtoby-Smith firm. The weight of the evidence refutes the alleged relationship between advertising and drug abuse. After five years, it is time that those who hold to the contrary come forward with evidence to substantiate their allegations.

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[14] "Young People and the Drug Scene—Who Is to Blame?" Family Health, May 1971.
[15] Supra note 5 at p. 8.

I can assure this Subcommittee that our industry is vitally interested in eliminating drug abuse and misuse, and the ingestion of potentially harmful substances by children. Progress, we believe, will not be made by presupposing—in the face of evidence to the contrary—that a relationship exists between these problems and television advertising for non-prescription medicines. It is our hope that these comments may have contributed to your deliberations on this very complex subject; thank you for the opportunity to submit them.

LIST OF APPENDICES

A. Oxtoby-Smith Inc., "Why Do American Youth Use Illicit Drugs? A Summary of Scientific Research," June 1972.

B. Oxtoby-Smith Inc., "Supplement No. 4 To The April 1971 Report: Why Do American Youth Use Illicit Drugs?" March 1975.

C. Milavsky, J. R., Perowsky, B., and Stipp, H., "Exposure to Drug Advertising on Television and Proprietary and Illicit Drug Use Among Boys," National Broadcasting Company, 1974.

D. Hulbert, J., "Applyng Buyer Behavior Analysis to Social Problems: The Case of Drug Use," Columbia University, 1974.

E. Payne, D. E., "The Relationship Between Television Advertising and Drug Abuse Among Youth: Fancy and Fact," (unpublished article), 1974.

F. The Proprietary Association Code of Advertising Practices.

APPENDIX A

WHY DO AMERICAN YOUTH USE ILLICIT DRUGS?

(A Summary of Scientific Research—June 1972—Submitted To: The Proprietary Association)

INTRODUCTION

Oxtoby-Smith, at the request of The Proprietary Association, has been conducting a search of the scientific literature on drug abuse with a view toward identifying and critically evaluating what is presently known about the reasons American youth have been using drugs such as marijuana, amphetamines, barbiturates and LSD. The intent of the project is to bring together what is known—and to identify gaps in our knowledge—so that this information can be used to help guide public policies on the drug issue.

This report presents the key findings of the work completed thus far. Detailed findings are available under separate cover.

AN EXECUTIVE SUMMARY OF KEY FINDINGS

A. An overview

The most striking finding to emerge from the comprehensive review is how little is securely known about the factors which lead American youth to use illicit drugs.

In the period from 1950 to 1970, only sixteen studies were uncovered which present "hard" data on this issue; in the period October, 1970 to October, 1971, six additional studies were identified. (Since then, an additional 14 studies are currently being reviewed.)

Not only are the studies few in number, they are generally quite restricted in the populations they studied and in the issues they examined.

Most were limited to high school and college student populations.

Each study pursued its own aims and areas of investigation so that little has been replicated.

As a result, very little is firmly known about the causes of drug abuse.

B. What have these studies contributed to our understanding of why young people use illicit drugs?

Based upon those reviewed studies published from 1950 to October, 1971, the following statements can be made:

Because of their diversity of research aims and approaches, replications of findings, in the strict sense of the term, are totally absent.

However, several findings have recurred in two or more of these otherwise quite different studies:

The incidence of the use of illicit drugs increases with family income.

College users are more likely to be in courses of study in the arts or humanities (rather than the hard sciences or engineering), and are more likely to either smoke or drink than their peers.

Users are more likely to be politically liberal, politically active, and less conventionally religious than are non-users.

Users are more likely to be intensely dissatisfied with school and to question its relevance to their later life, are more likely to be pessimistic about their future, and are more likely to judge their mental health as poor or to apply "negative" personality evaluations to themselves than are their peers. In addition, users are less likely than non-users to be future oriented, and oriented to deferred gratification, and some are more likely to see such drug use as an aid to solving serious emotional problems.

Users were found to be more subject to the influence of peers who are users of illicit drugs than are non-users.

The modesty of this information lode raises serious concern about the efficacy and relevance of behavioral science contributions toward our understanding of emergent social phenomenon which compels widespread attention and often concern.

C. What about proprietary drug advertising and drug abuse?

There are no studies which demonstrate the effect of proprietary drug advertising on the use of illicit drugs. Present studies indicate that the range of possible influences is likely to be very broad (including peer influence, personality factors, parental usage of drugs, and one's social class standing). No study has attempted to apportion the effects of each of these influences.

In order to shed some light on the presumed relationship between proprietary drug advertising and the prevalence of drug abuse, a review was made of the advertising controls and drug abuse in a variety of countries. The review found that Western nations with widespread drug advertising on all media vary enormously in the scope of their illicit drug abuse problem. Further, Denmark, which permits no proprietary drug advertising has a drug abuse problem similar to countries which do permit such advertising. The findings indicate that Western nations with controls of proprietary drug advertising do not appear, in the aggregate, to be either better or worse than nations without advertising controls with regard to the scope of drug abuse among their youth.

D. Some comments on social and governmental policy with respect to curbing illicit drug use

The modest contributions of the social sciences toward understanding the reasons for illicit drug use raises the disquieting question of whether the body of knowledge presently available is adequate as a platform for guilding social policy and the development of remedial programs.

Everyone is "involved," and certainly many institutions in our society through their own volition or otherwise are confronting the need to clarify their own stance *vis-a-vis* the matter of illicit drug use by youth.

The medical profession, educational institutions, the police, and legislative or quasi-legislative bodies (such as governmental regulatory agencies) have or are in the process of formulating their "stance" with respect to this matter.

Yet, it appears that a body of credible and secure research findings does not not exist to "inform" such *policy-making* activities.

Furthermore, as the public discussion has progressed there seems to be little practical social difference in whether illicit drug use by youth is viewed as a "medical" problem or as a "criminal" matter. Governmental agencies and other bodies appear to be increasingly accepting of the need for a variety of constraints upon whatever is *supposed* to contribute to the use of illicit drugs.

For example, no secure evidence presently exists which has established a connection between advertising and the use of illicit drugs by youth. Nevertheless, this argument is being propounded and has already elicited some efforts to constrain advertising.

In addition, uninformed efforts at dealing with what is defined as a "social problem" through the exercise of constraints may foster an illusion that the "problem" is, indeed, understood and is being adequately addressed.

The development of such a social myth is likely to have negative consequences for the acceptance and funding of research which would provide a secure data base for understanding the impellents of illicit drug use.

In summary, there is a pressing need for systematic and secure research data concerning the factors associated with illicit drug use by youth. This information is important: it can contribute to public understanding of this phenomenon and can inform the activities of public bodies who are considering this subject.

E. Some guidelines for future research on illicit drug use

Our search has suggested that the following issues should be considered in planning future research in illicit drug use:

First, it is essentially in the study of drug use to recognize this phenomenon as an historical event. The course of illicit drug use by students started as an activity of an avant-garde student group a decade or more past. These were the "pioneers" and explorers of illicit drug use. Since that period, particularly the use of marijuana has become a widespread phenomenon. As this has happended, drug use has increasingly spread both socially and geographically. The motives of those who use illicit drugs and the functions served by such drugs for them may be expected to be significantly different today than in the past.

Therefore, such studies as were done in the era of "avant-garde" usage are likely to have limited relevance to understanding drug use in its present social form.

Second, illicit drug use by youth today, because it is such a relatively widespread phenomenon, requires that research probe a broad array of possible "causes" and drug "functions." If we are to understand the drug phenomenon as it now stands we must be prepared to deal not only with the "over-determination" of illicit drug use but also to recognize that young people may differ considerably among themselves in what motivates their use of drugs. Indeed, the era when broad research generalizations could be made concerning "the cause" of illicit drug use may be over, if it ever truly existed, and both a coherent and meaningful "profile" of the drug-user may now be unobtainable.

Finally, it seems important that research should consciously attend to the existence of varying degrees of drug abuse, for example, differences between the occasional user or experimenter with marijuana and even amphetamines and hallucinogens and the committed drug user of these or other substances. We might also attend to differences between present users of only a single illicit drug and those who use two or more illicit drugs. These differences appear to represent some of the major contours of drug use among youth and may offer important guidelines for systematic research programs. As a research strategy, a longitudinal design recommends itself for elucidating these and other matters.

Detailed findings are available under separate cover.

A NOTE ON RESEARCH METHODOLOGY

The search for relevant scientific literature on the causes of drug abuse was conducted by consulting (a) standard library bibliographical reference sources: (b) published research gathered from the National Clearing House for Drug Abuse Information and from the National Institute of Mental Health: and (c) consultations with leading social scientists who were either presently engaged in drug abuse research or were familiar with efforts in this field.

Together, these sources were used to identify all research studies published from 1950 to 1971 concerning the reasons for the use of non-narcotic drugs among American youth of high school and college age.

For each study, the research design and the method of analysis was subjected to critical scrutiny. Often there were flaws in the research design which made the putative findings "suspect." The research design employed, the key findings, and our critical scrutiny are presented in detail in the full reports which are available under separate cover.

Research published since October, 1971 is currently being reviewed and evaluated.

APPENDIX B

SUPLEMENT NO. 4 TO THE APRIL 1971 REPORT: WHY DO AMERICAN YOUTH USE ILLICIT DRUGS?

INTRODUCTION

This is a fifth in a series of reports prepared by Oxtoby-Smith Inc. for the Proprietary Association. The purpose of this series has been to provide a continuing review of scientific research on why youth use illicit drugs.

The preceding reports were:

Why Do American Youth Use Illicit Drugs: A Review Of Scientific Research. April 1971. This report reviewed relevant research which was published from 1950 through January 1971.

A Supplement To The April 1971 Report: "Why Do American Youth Use Illicit Drugs: A Review of Scientific Research. October 1971. This report carried the literature review up to October 1971.

Supplement No. 2 To The April 1971 Report: Why Do American Youth Use Illicit Drugs: A Review of Scientific Research. July 1972. This report carried the literature review up to April 1972.

Supplement No. 3 To The April 1971 Report: Why Do American Youth Use Illicit Drugs: A Review Of Scientific Research. April 1973. This report carried the literature review up to March 1973.

The present report carries forward the update of the literature to include material published during the period from February 1973 through October 1974.

We have aimed to provide a comprehensive and timely review of published research which might shed light on the reasons for illicit drug use by American youth.

Here are the ground rules under which we have operated in conducting these reviews:

We have tried to review all scientific reports published in English language publications; we have analyzed and abstracted only those based upon empirical investigations.

We have concentrated almost entirely on studies which dealt with high school and college-aged people. Although virtually all of these have been American youth, studies of youth in other countries have occasionally been incorporated when they helped to illuminate our basic question.

We have reviewed all studies which appeared to have any direct relevance on the question of drug use among young people. We have not reported all of them, however. We have reported only those which offered some evidence bearing on the reasons for use of illicit drugs.

We have attempted to be thorough and comprehensive. While we cannot be sure that we have succeeded in that attempt, we believe that we have reviewed virtually all of the articles that have been published in the United States as well as some which have been published elsewhere during the period in question.

Our report will be presented as follows:

The first chapter, "Proprietary Drug Advertising And Drug Abuse By Youths," will be a summary analytic report of our conclusions on the present state of knowledge respecting proprietary drug advertising as a reason for use of illicit drugs by youth.

The chapter is intended both as a summary and as a separate report which can be taken from the main report and stand alone. We have done this because, for the first time in our review of the literature, we believe a sufficient weight of evidence has accumulated to support a conclusion in one of our areas of interest—that is, on the question of the contribution of proprietary drug advertising to drug abuse among young people.

The second chapter contains the abstracts of each of the studies which dealt with causes of drug abuse among young people which were reviewed during the period of this report.

The third chapter is a bibliography containing all of the publications reviewed for this report.

The appendix contains letters of inquiry to scientists we contacted.

A SPECIAL NOTE

The volume of publications in the field of drug abuse has increased dramatically.

During the year and a half covered in this review we have discovered about as many reports and publications as had been uncovered in the entire previous four year period.

The review encompassed over one hundred different journal articles and papers and at least a dozen books which had been published during this period.

Although, to be sure, not all of these dealt with causes of drug abuse—in fact only a minority did—and many of them did not concern themselves specifically with youth, still each had to be reviewed at least briefly to determine its relevance or irrelevance to our question. Many more had to be reviewed in greater detail to see if their seeming relevance would, in fact, shed further light on the question at issue.

In short, the reviewing task for this report turned out to be much larger than the reviewing task had been for any of the previous reports.

PROPRIETARY DRUG ADVERTISING AND DRUG ABUSE BY YOUTHS

A. Introduction

In the recent past, a number of scientists, legislators and others have held and expressed the view that there is a connection between exposure to over-the-counter drug advertising on television and the use of illicit drugs by youth (e.g., U.S. Senate, 1970; Kramer, 1973).

Two different mechanisms have been hypothesized:

The first assumes that the advertising of over-the-counter drugs tempts youths to try them. The advertisements lead them to believe that the drugs will enable them to solve or to escape from their problems. Their experience with over-the-counter drugs may not lead to the results the youths hope they will, so they seek for more effective drugs. They are, accordingly, likely to engage in further experimentation with illicit drugs.

The second mechanism assumes that the advertising of the over-the-counter drugs does not "directly" tempt the youth to experiment with those drugs. What it does—by showing that drugs solve personal problems, make miserable mothers happy, soothe anxieties, and the like—is to encourage the view that solutions to problems are to be found in drugs.

Plainly, the presumed mechanisms are not mutually exclusive; both may operate simultaneously.

Those scientists who have reviewed the literature on drug abuse have repeatedly discovered there was little or no evidence either to support the hypothesis or to refute it (Kanter, 1970; Hanneman, 1972; Kramer, 1973; Milavsky, Pekowsky and Stipp, 1974).

In fact, there was virtually no research which had any bearing on the hypothesis at all. What little there was, was inconclusive where it was not irrelevant: Nevertheless, belief in the effects of over-the-counter drug advertising on illicit drug use by youth persisted.

For example, in their report prepared for the National Commission on Marihuana and Drug Abuse, Barcus, Goldstein, and Pinto (1973) concluded in part:

"It might be argued that there is nothing in this report which demonstrates any relationship between the content of drug commercials and effects on the audience. In a sense this is true" (p. 648).

Despite that conclusion they went on to construct a hypothetical model in which, since people watch TV and buy products advertised on TV, and since drugs are advertised on TV:

"Therefore, we must assume some kind of effect of drug commercials on the audience.

Thus, if action in the area of drug use and abuse is necessary, and even though drug advertising may not be cited as the 'cause,' it should be considered as a contributory factor. And contributory factors must be treated as causal if the responsibility for action is not to be shifted from place to place" (p. 648).

In short, even though there is no evidence against TV, we better hold it to blame or we may not find anyone to blame.

Within the past year, however, two separate studies have been reported which bear directly on the issue of TV advertising's contribution to youthful drug abuse.

B. Proprietary Drug Advertising And Youthful Drug Abuse: Two Recent Studies

1. The Milavsky Study

Milavsky presented the prelimary report of his study at the annual meeting of the American Association for Public Opinion Research in June 1974. Subsequently, a detailed written (but still unpublished) report has been distributed. This review is based upon the detailed written report (Milavsky, et al., 1974).

The research was based upon five waves of interviews among boys in low and middle income black and white families in two midwestern cities. The interviews were conducted between May 1970 and May 1973.

Milavsky's research design considered both direct and indirect relationship between exposure to drug advertising on TV and use of marijuana and other illicit drugs.

His measure of exposure to drug advertising was based upon reported recent viewing of about 50 programs and 10 movies during each wave of interviews. Viewers were credited with exposure to all drug commercials shown during any programs they viewed.

His measure of drug use was based on reported usage of eight to ten proprietary drugs and five illicit drugs—marijuana, speed, acid, heroin and cocaine.

Milavsky, et al., reported the following relationships:

Cumulative exposure to proprietary drug advertising was related to proprietary drug use.

Cumulative exposure to proprietary drug advertising was *negatively* related to use of marijuana and other illicit drugs.

Further, the authors reported that, when the relationship was examined while controlling for age, race, relationship with parents, and the like, no subgroup was found in which the relationship between exposure to proprietary drug advertising and use of illicit drugs was positive.

Usage of proprietary drugs was not related to subsequent usage of illicit drugs.

An attitude measure of "readiness" to use drugs (measured by agreement with statements more or less favorable to drug use for self-medication) was related to usage of illicit drugs. However, "readiness" was *not* related to exposure to proprietary drug advertising.

The authors concluded: "The conclusion, at this stage in our analysis, is that the data do not support the contention that drug advertising leads teens to take illicit drugs either directly or indirectly. To the contrary, the data indicate that the heavy viewer of drug advertising on TV is less likely to use illicit drugs than is the light viewer" (p. 21).

2. The Hulbert Study

Hulbert examined the relationship between drug usage and a number of other variables, specifically including television viewing, among college students in the New York City area.

His data, based on questionnaire responses from 900 students, included responses on questions covering TV viewing; drug advertising recall; usage of proprietary drugs, alcohol, cigarettes, marijuana, barbiturates, amphetamines, LSD, cocaine and heroin and demographic and attitudinal information.

He reported the following relationships: . . . There were no positive relationships between amount of television viewing and use of any illicit drugs. Indeed, amount of "weekend" television viewing was *negatively* related to use of some drugs (e.g., marijuana, barbiturates, LSD and cocaine). . . . Recall of proprietary drug advertising and brand names was unrelated to use of proprietary drugs. . . . Recall of proprietary drug advertising and brand names was related to use of marijuana, but not to any other illicit drug.

Hulbert concluded, in part: "The overall pattern of results suggest that television and television advertising are generally not factors linked to usage of illicit drugs" (p. 8).

In short, both the Milavsky, et al. and the Hulbert studies provide evidence that drug advertising on television does not lead to the use of illicit drugs by youth. There is as yet no evidence that it does. It is increasingly plain that, if drug advertising on television contributes at all to illicit drug use by youngsters, that contribution has so far been undetectable. It means, further, that the burden of proof is on those who would hold otherwise in the face of the evidence.

C. Discussion

Arguments could be raised in support of the hypothesized relationship between drug abuse and drug advertising, despite the evidence which indicates there is none.

It could be argued that two studies are insufficient to disprove the hypothesis, and furthermore, that there was even one favorable finding in Hulbert's data. As scientists we must, however, acknowledge the weight of emerging evidence. Plainly the question is not closed, but those who would support the hypothesis must do so in the face of contrary data.

Perhaps a more searching argument would be that the relationship between drug advertising and drug abuse is not so simple as formerly believed. Perhaps the effects of such advertising can only be detected if there are special predisposing elements present—e.g., certain unhealthy family relationships. It remains, of course, for those who believe that to specify the predisposing elements.

D. Conclusion

The present weight of evidence suggests that proprietary drug advertising is being made a scapegoat. Advertising is ubiquitous; it is also often tasteless, boring and inane. Many people do not like it—including social scientists. Drug abuse among youth is troublesome, frightening, widespread and disturbingly difficult to deal with or control. Its consequences—especially addiction to "hard" drugs—are often appalling. Given these conditions—a troublesome problem and a plausible villain—it is not hard to see why drug advertising should be held accountable. In view of the recent research, however, that is not an acceptable scientific conclusion. What's worse, it focuses attention, effort, and resources on factors which are simply irrelevant to the reasons for use of illicit drugs by youth.

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Kanter, D. L., *Pharmaceutical Advertising and Youth: A Monograph Reporting Upon a Quantitative Study*, December, 1970 (mimeographed).

Kramer, E. H., "A Review of Literature Relating to the Impact of the Broadcast Media on Drug Use and Abuse," *Drug Use in America: Problem in Perspective, Volume II: Social Responses to Drug Use*, Second Report of the National Commission on Marihuana and Drug Abuse, March, 1973, U.S. Government Printing Office (pp. 586–611).

Milavsky, J. R., Pekowsky, B., and Stipp, H., "Exposure to Drug Advertising on Television and Proprietary and Illicit Drug Use Among Teenage Boys," National Broadcasting Company, 1974 (mimeographed).

U.S. Senate, Consumer Subcommittee, Committee on Commerce, *The Relationship Between Drug Abuse and Advertising*, September, 1970, U.S. Government Printing Office.

ABSTRACTS

The following studies were abstracted.

Benell, F. B., "Drug Abuse and Venereal Disease Misconceptions of a Selected Group of College Students."

Bucky, S. F., Edwards, D., and Thomas, E. D., "Intensity: The Description of a Realistic Measure of Drug Use."

Doctor, R. M., and Sklov, M., "A Cross-Culture Study of Attitudes about Marijuana Smokers."

Franzini, L. R., and McDonald, R. D., "Marijuana Usage and Hypnotic Susceptibility."

Horman, R. E., "Alienation and Student Drug Use."

Hulbert, J., "Applying Buyer Behavior Analysis to Social Problems: The Case of Drug Use."

Kandel, D., "Adolescent Marijuana Use: Role of Parents and Peers."

Kramer, J. P., "The Adolescent Addict: The Progression of Youth Through the Drug Culture."

Milavsky, J. R., Pekowsky, B., and Stipp. H., "Exposure to Drug Advertising on Television and Proprietary and Illicit Drug Use among Teenage Boys."

National Commission on Marihuana and Drug Abuse, "Drug Use in America: Problem in Perspective."

1. Kramer, E. H., "A Review of Literature Relating to the Impact of the Broadcast Media on Drug Use and Abuse."
2. Ianni, F. A. J., "Attitude Towards the Relationship among Stress-Relief, Advertising and Youthful Drug Abuse in Two Recent Field Studies."
3. Barcus, F. E., Goldstein, J. M., and Pinto, S. K., "Drug Advertising on Television."
4. A Concluding Comment

Rouse, A., and Ewing, A., "Student Drug Use, Risk-Taking and Alienation."

Sadava, S. W., "Initiation to Cannabis Use: A Longitudinal Study of College Freshmen."

Singh, R. N., and Haddy, L. E., "Alcohol Consumption and Students' Use of Hallucinogenic Drugs."

Spevack, M., "Prediction of Cannabis Initiation in Student Populations."

Weaver, S. C., and Tennant, F. S., "Effectiveness of Drug Education Programs for Secondary School Students."

Source: Benell, F. B., "Drug Abuse and Venereal Disease Misconceptions of a Selected Group of College Students," *Journal of School Health* 1973, *43* (9), 584–587.

"One of our greatest difficulties in education about some of our pressing health problems is that we do not know how much our students are familiar with facts about such problems as drug abuse and venereal disease" (p. 584).

SAMPLE AND METHOD

"The population for this study consisted of 581 college students, 251 males and 330 females, enrolled in *Health Science 50* courses at the Sacramento State College in the fall semester of 1969. The test was administered during the first class session" (p. 584).

"Most of the students in this study were freshmen: some were sophomores and only 15 were juniors and seniors" (p. 584).

"The questionnaire used contained eleven true concepts and fifty-four misconceptions; seventeen items concerned misconceptions about venereal disease and thirty-seven items were on drug abuse" (p. 584).

FINDINGS

"Many misconceptions about venereal disease and drug abuse were subscribed to by students prior to exposure to the *Health Science 50* course" (p. 586). The highest percentages of drug abuse misconceptions were on the following items:

" 'Yellowjacket' is a slang term for a form of amphetamine."

"Alcohol taken internally increases body temperature."

"The following are all opium derivatives—heroin, cocaine, morphine, and codeine."

"A person who is an alcoholic lacks will power."

"Marijuana is a drug classified as a narcotic by pharmacologists."

"There is no significant difference between the sexes or age groups in their prevalence of misconceptions about drug and venereal disease concepts" (p. 586).

COMMENT

The author's objectives were rather narrow, i.e., the aim of collecting the data was to aid teachers in their course work in college and universities. If misconceptions are in fact widespread then there should be more education at earlier grades and use of mass media in correcting these misconceptions.

Most importantly, the author believed the research to be valuable because she attributed the increase in drug abuse and venereal disease to misconceptions about these issues.

There might be some correlations between lack of knowledge about venereal disease and its increase, yet the most prevalent misconceptions about drug abuse (the five statements mentioned) are hardly enticements to use drugs. On the other hand, the statements that were least often misunderstood, such as: "Because of the Federal Food and Drug Act, all drugs are healthful to use," "It is a good idea to make an unconscious person drink some alcohol," "A person under the influence of marijuana is able to think more efficiently than he would under normal conditions," would seem to be much more likely to lead to drug abuse, *if believed to be true.*

Source: Bucky, S. F., Edwards, D., and Thomas, E. D., "Intensity: The Description of a Realistic Measure of Drug Use," *Journal of Clinical Psychology*, 1974, 161–163.

"The purpose of the present study was to determine whether demographic and attitudinal variables can predict intensity of drug use" (p. 161).

SAMPLE AND METHOD

The subjects were 2,043 Navy enlisted men in their first week of basic training in San Diego, California. Each subject filled out a questionnaire voluntarily and anonymously.

"The questionnaire consisted of 39 social history items: 12 pertained to specific drug use, 18 focused on parents and siblings, 2 related to education, 3 to disciplinary difficulties, 3 to marital status, and 1 asked the subject's age. In addition, there were 91 true-false questions which asked the S to give his opinion about 'interrelationships' with other people and 'things that he has done' " (p. 162).

The intensity of drug use was determined using a method designed by Nail and Gunderson. Each drug was given a different weight depending on its severity, as rated by 20 physicians. The weight assigned to the drug was multiplied by the frequency of use and the products were added providing a single score for each man.

FINDINGS

"The variable that was most predictive of intensity of drug use was truancy" (p. 162). "The other items, which were related to behavioral acting out and were significantly predictive of intense drug use, were expulsions from school, arrests, stealing and the item 'I enjoy telling dirty jokes' " (p. 162). There were also attitudinal variables significantly related to intense drug use, for example:

"Most people would *not* go out of their way to avoid hurting other people."
"Most people are not worth the room they take up."
"Most people don't appreciate the things you do for them."
"Criminals are usually caught by accident."
"I would like more people to share secrets with."
"My father wasn't around much when I was young" (pp. 162–163).

"These results confirm the notion that intense drug use is positively related to other forms of behavioral acting out (truancy, expulsions, and stealing), and suggest that intense drug use is also related to a pessimistic attitude about life, a feeling of helplessness, and separation from others" (p. 163).

COMMENT

Although the sample is limited to newly enlisted men in the Navy, the findings are plausible for a broader population. That is to say, it is common to find that adjustment difficulties of various sorts (e.g., heavy drug use, truancy, stealing, etc.) are related.

Source: Doctor, R. M., and Sklov, M., "A Cross-Culture Study of Attitudes about Marijuana Smokers," *British Journal of Addictions*, 1973, *68*, 111–115.

Since British and American legal and health professions have different methods of dealing with drug addiction problems, it seemed plausible to these researchers that these differences would be reflected in public attitudes regarding addiction, addicts and marijuana. Therefore: "It was hypothesized that British citizens would tend to be more tolerant of the marijuana user, would be less socially rejecting, more inclined to view their behavior as a medical problem with physical determinants than American citizens" (p. 111).

SAMPLE AND METHOD

"Data for this was obtained from responses to a 32-item questionnaire that sampled attitudes about etiology, treatment and personal reactions to the concept 'People who smoke marijuana'" (p. 111). "Respondents were obtained through recruitment of volunteer students in cafeterias at San Fernando Valley State College, Northridge, California and the University of London, London, England" (p. 111).

In addition, respondents were asked whether they had ever smoked marijuana, and if so how often.

FINDINGS

Considerable differences were found in the proportion of smokers and non-smokers in each cultural sample:

In the American sample, 74% had smoked marijuana; and

In the British sample, 30% had smoked marijuana.

This difference in marijuana use was, however, the only findings that pointed to cross-cultural differences. Instead, *it was not country of origin but rather usage or non-usage of marijuana that discriminated between respondents.*

Here are the principal findings: "Thus, the non-user samples viewed marijuana smoking as an addiction that presumably represents a problem of sufficient magnitude to warrant intervention by a mental health professional. Uses, on the other hand, expressed an opposite view in denying that smokers have an addiction problem and held a strong view that smokers are autonomous individuals in the sense they 'need to find their own answers'" (p. 112). ". . . non-smoker respondents perceived the smoker as interpersonally aversive, potentially harmful to others, untrustworthy, not the type of person they would want as a close friend, and prone toward criminal behavior" (p. 114). "All four groups agreed the marijuana smoker was responsible for his condition, and that it was not due to a physical disease or inherited disposition" (p. 114).

COMMENT

This article adds little to our understanding of the etiology or dynamics of drug usage.

The authors make the assumption that medical and legal drug treatment practice affect public attitudes and therefore student attitudes. There are two reasons why this assumption is dubious. First, students are *not* representative of the general population. Second, it may be more realistic to consider students as "international" since student culture and mores may have, on the whole, as much in common with other student bodies as they have with their own prevailing local culture. If this is true, it is hardly surprising that drug-using students, irrespective of national origin, would have more in common with each other than would drug-users and non-users of the same national background. This should certainly apply to attitudes toward drug use.

If the authors had sampled among the general population in Great Britain and America, they might have arrived at more interesting cross-cultural conclusions.

Although it comes as no surprise that users and non-users of marijuana should perceive marijuana smokers in different ways, it is worth noting that some of the perceptions of non-users approach that of a criminal stereotype.

The methodology used in this study leaves much to be desired. The experimenter approached students in a cafeteria and asked them to complete questionnaires while, presumably, they were eating their meals. It is dubious that any experimental control could be exercised under such conditions.

Source: Franzini, L. R., and McDonald, R. D., "Marijuana Usage and Hypnotic susceptibility," *Journal of Consulting and Clinical Psychology*, *40*(2), 1973, 176–180.

"The present study was undertaken to assess the relationship between marijuana use and hypnotic susceptibility. Data are also reported on the incidence of marijuana use and its relationship with certain demographic variables" (p. 176).

SAMPLE AND METHOD

"The subjects were 108 men and 174 women enrolled in psychology courses at two local universities. Of the 282 subjects, 73 were graduate students. The mean age of the males was 26.2 years, and of the females 23.5 years. . . All Subjects were 'semivolunteers,' in that the data were collected during a regularly scheduled class meeting without prior announcement. They were told that a participatory demonstration of hypnosis would be conducted that day and were given the option to be excused" (p. 176).

Subjects were administered two instruments: The Harvard Group Scale of Hypnotic Susceptibility; and a questionnaire obtaining basic demographic data, the extent of usage of various drugs, the type of experiences with these drugs and prior expjeriences with yoga, meditation and hypnosis.

"Subjects were categorized according to the following drug usage levels: Those who would not try marijuana even if it were available and legal to do so; those who have never used marijuana; those who have used marijuana once; those who have used marijuana 1–10 times; and those who have used marijuana more than 10 times" (p. 176).

There were similar categories for other drugs.

FINDINGS

The major finding of this study was that usage of marijuana is associated with responsiveness to hypnotic instructions. What this suggests is that having experienced the effects of marijuana makes one more susceptible to hypnotic suggestion or that one is in similar ways susceptible to the effects of marijuana, hypnosis and other similar states. It is also possible that certain personality characteristics such as adventuresomeness or flexibility which have been associated with marijuana usage may be a common link with hypnotic suggestibility. However, none of these hypotheses are tested in the present study and the fact that marijuana smokers are good hypnotic subjects does not tell us why these subjects use drugs.

The demographic and other questionnaire data do apply to the subject of our study. The frequent users in this study (those who have smoked marijuana over 10 times): Tend not to belong to a fraternity; are more likely to be psychology or physical sciences majors; are likely to have either been involved in yoga, transcendental meditation, or to have been hypnotized before; identify themselves as having no religious affiliation to a great extent; are most often from low income families (under $5,000) or high income families (over $25,000); are more likely to try other drugs; and are equally likely to be males as females, although non-users were twice as likely to be females.

COMMENT

The demographic data obtained in this study were compared with those of other studies. The only difference between this and others worth noting is that in a prior study males were found to be heavier users than were females whereas in this study males and females were equally as likely to be heavy users.

Source: Horman, R. E., "Alienation and Student Use," *The International Journal of the Addictions*, 1973, 8 (2), 325–331.

"The use of drugs is seen as a result of psychopathology *or* as the result of an individual's conflict with society. The present study evaluated drug use in terms of psychopathology *and* a conflict with society. This was accomplished by studying the relationship of drug use and alienation" (p. 326).

SAMPLE AND METHOD

"The entire full-time, undergraduate male population in the College of Liberal Arts at a Midwestern University was used. N=284. Only males were studied, because the scales developed by Keniston to evaluate alienation were validated on males. This study began in January 1971 and was concluded in March 1971" (p. 327). Each student was mailed a questionnaire of which 230 were returned completed.

FINDINGS

The questionnaire used was in three sections: Section I consisted of demographic information; section II obtained information on the extent of usage of six categories of drugs; and section III contained 22 attitude items used to evaluate alienation.

It was found that (supporting the hypothesis) there was a positive relationship between alienation and drug use for five categories of drugs: Amphetamines; marijuana; methedrine; barbiturates; and hallucinogens.

The drug users were found to be high in alienation, were distrustful, pessimistic and had interpersonal feelings of alienation. The same relationship, however, did not hold for the sixth category—hard narcotics.

COMMENT

Insofar as this study, consistent with a variety of others, associates drug use with other symptoms of personal and/or social deviance, it identifies the drug user as a person apart from the rest of us.

Source: Hulbert, J., *Applying Buyer Behavior Analysis to Social Problems: The Case of Drug Use*, Columbia University, 1974 (mimeographed).

The analyses reported by Hulbert were based on a survey of 990 college students from colleges in the New York metropolitan area. His intent was to test the notion that "standard marketing research techniques can be applied to gain understanding of the social problem of drug use" (p. 9).

SAMPLE AND METHOD

"The questionnaires were administered by students who were instructed to give respondents privacy while they were answering" (p. 4). No mention is made of sampling procedure, nor of any checking up on the performance of the student interviewers. The questionnaire embraced a variety of topics including television viewing, drug advertising recall, drug usage (both proprietary and illicit), attitudinal scales, and demographic data.

FINDINGS

He reports the following relationships: There were no positive relationships between amount of television viewing and use of any illicit drugs. Indeed, amount of "weekend" television viewing was negatively related to use of some drugs (e.g., marijuana, barbiturates, LSD and cocaine); recall of proprietary drug advertising and brand names was unrelated to use of proprietary drugs; and recall of proprietary drug advertising and brand names was related to use of marijuana, but not to any other illicit drug.

Hulbert concludes, in part: "The overall pattern of results suggests that television and television advertising are generally not factors linked to usage of illicit drugs" (p. 8).

COMMENT

The methodology of Hulbert's work seems fragile. There is no apparent concern with sampling bias nor with interviewer performance—both of which are matters of considerable importance. Accordingly, although these results are interesting, they must be taken with caution.

Source: Kandel, D., "Adolescent Marijuana Use: Role of Parents and Peers," Science, 1973, 181, 1067–1070.

This study explored the relative influence of parents and peers on marijuana use among adolescents.

SAMPLE AND METHOD

"This report is based on a survey in which independent data were obtained from adolescents, their parents and their best school friends. The basic adolescent sample (N=8,206) is a multiphasic random sample representative of public secondary school students in New York State, drawn from 18 schools throughout the state" (p. 1,067). "In fall 1971, structured, self-administered questionnaires were given in a classroom situation to a random sample of homerooms in 13 schools and to the entire student body in five schools" (p. 1,067). "Two to three weeks after a school was surveyed, a questionnaire was mailed to one parent of each student, alternately mothers and fathers . . . Usable questionnaires were returned by 5,574 parents or 61% of the initial group contacted" (p. 1,067).

A code was developed whereby the unsigned student questionnaires could be matched to that of his or her parent and best school friend. In this way: 49%

of students were matched to their parent; 38% were matched to their best school friend; and 23% were matched to both parent and school friend (p. 1,067).

"Adolescents were asked about their use of a variety of illegal drugs and about their perceptions of their parents' use of psychoactive drugs. Parents were also asked about their own use of tranquilizers, barbiturates, or sedatives and stimulants (including diet pills and pep pills)" (p. 1,067). The report focused on adolescent use of marijuana alone.

FINDINGS

The writer acknowledges that considerable variation exists in the frequency with which marijuana is used, and that marijuana use typically overlaps with use of other drugs. These considerations do not, however, alter the basic findings, and the article treats marijuana use "as if it were a simple behavioral entity" (p. 1,068).

Adolescent marijuana use was related to the following three variables: Perceived drug use by the adolescent's parent or friend; actual drug use based on self-reports from parent or friend; and association of frequency of drug use with perception of drug use by parent or friend.

The principal findings that emerged from this research were: Self-reported marijuana use among adolescents is strongly related to perception of drug use by both parent and friend; a weaker but nevertheless important association exists between self-reported adolescent drug use and self-reported use by parent or friend; and frequency of self-reported marijuana use among adolescents is directly related to adolescents' perceptions of drug use by parent and friend.

In other words, both parents and friends play a role in adolescent drug use. However, it is the peer influence that is the crucial one. The most important correlate of adolescent drug use is involvement with other drug-using adolescents. Similarly, of all the activities and attitudes that this study measured, it was use of marijuana and other drugs that constituted the most significant shared bond between adolescents.

That peer influence is stronger than parental influence is supported by the following findings: 56% of adolescents use marijuana when their best friends use marijuana although their parents use no psychoactive drugs; and only 17% use marijuana when their parents use psychoactive drugs but their best friends do not use marijuana.

However, the greatest incidence (67%) of drugs use is found among those adolescents whose parents and friends use drugs. There appears to be some sort of facilitating or synergistic effect at work here.

The writer concludes by stating: "Parental drug behavior appears to be related to the child's use of illegal drugs only when such use already exists in the peer group. A necessary condition for the appearance of adolescent illegal behavior may be the use of illegal drugs by friends, parental use of psychoactive drugs being neither necessary nor sufficient for such adolescent behavior to develop. But given a situation in which peers use drugs, parental behavior becomes important in modulating peer influence" (p. 1,070).

COMMENT

This study provided evidence supporting the role of peer behavior in adolescent drug use. The author points out that her study does not answer the key question: whether drug use leads to friendship with drug users, or whether association with drug-using friends leads to drug use. This may, of course, not be the key question at all, for both may be consequent to other factors.

Source: Kramer, J. P., "The Adolescent Addict: The Progression of Youth Through the Drug Culture," *Clinical Pediatrics*, 1972, *11* (7), 382–385.

This study documents the progressively younger age of drug addicts, as well as the greater drug sophistication of the new addicts in "a smaller Eastern city."

SAMPLE AND METHOD

"Fifty questionnaires asking for comprehensive information concerning previous drug experiences were handed out in a two-day period in the summer of 1970 to 50 addicts, who were asked to complete the questionnaire honestly without signing their names. Most were regular attenders at this hospital's drug clinic for heroin addicts. All had either been, or still were, addicted to heroin. Forty-seven questionnaires were returned" (p. 382).

FINDINGS

The demographic composition of the new addicts admitted to the drug clinic in which this study was conducted reflected the general demographic pattern of the area. That is, these patients were predominantly black middle class youths. Only one out of ten was female. The median age was 20 years, and the median length of addiction was 2 years.

Data from this study confirm the tendency to multiple usage of drugs among drug addicts. In addiction, this study traces the heroin addict's drug history.

Here are some of the discernible stages in this history: Glue was the first drug used by nearly half of those interviewed. The median age at which glue was first sniffed was 15 years; amphetamines, barbiturates and marijuana were first used at a median age of 16 years; and "mainlining" of a narcotic began at a median age of 19 years.

Moreover, young addicts tended to use a larger variety of drugs—those under 21 used an average of six different drugs (other than narcotics), while those over 21 used an average of four. The study discusses some suggestive evidence concerning the interaction of certain drugs: Hepatitis is a frequent consequence of heroin use. However, hepatitis patients in this study had taken a *greater variety* of drugs than those without hepatitis; there was no difference in median age, nor in amount or length of heroin use between hepatitis patients and those who did not have the disease; only a minority of those interviewed felt that marijuana use had led them to use other drugs; and "Eleven of the forty-seven patients answered 'yes,' primarily because it introduced them to drug people or to the 'escape of feeling high' " (p. 385).

Clearly, a great deal still needs to be learned about the outcomes of drug interactions.

COMMENT

Although this article points to some interesting progressions in an individual's history of drug addiction, much of the information is presented in a rambling discursive manner. Many areas of drug behavior are covered, but none of them are discussed in any depth. It would have been informative, for example, to learn more about the differences between younger and older drug users.

The writer does not elaborate on the methodology she used: we do not know why these particular patients were selected, nor do we have details of the questionnaire used. It is unfortunate that she did not provide them.

Source: Milavsky, J. R., Pekowsky, B., and Stipp, H., *Exposure to Drug Advertising on Television and Proprietary and Illicit Drug Use among Teenage Boys*, National Broadcasting Company, 1974 (mimeographed).

This is a report on a longitudinal study of the relationship of television viewing and advertising to drug use among adolescent boys. It is an amplified version of a paper presented by Milavsky to the June 1974 meeting of The American Association for Public Opinion Research.

SAMPLE AND METHOD

The sample consisted of "both low and middle income black and white families" in two unnamed midwestern cities. The boys were interviewed a total of five times from May 1970 to May 1973. The sample size is not reported. Judging from numbers in some of the charts, total sample size appears to have been between 600 and 700. The interviews were evidently lengthy. The authors asked ". . . about a variety of subjects in addition to their television viewing and their aggressive behavior. Use of illicit drugs was one of those topics" (p. 1).

FINDINGS

The authors presented data bearing on two possible relationships between exposure to TV drug advertising and drug use:

A. The direct relationship

The direct relationship: the hypothesis that exposure to drug advertising on TV is directly correlated with drug usage. The author reported a "negative relationship" between cumulative exposure to drug advertising on TV and *present use* of marijuana and other illegal drugs (p. 12). He reported a similar negative relationship between cumulative exposure to drug advertising on TV and likelihood of *beginning to use* illegal drugs (p. 14). On the other hand, there was a positive relationship between cumulative exposure to proprietary drug advertising on TV and use of proprietary drugs (p. 9).

B. The Indirect Relationship

The hypothesis that exposure to drug advertising on TV leads to some other behavior (e.g., acceptance of "pill-popping") which in turn leads to illicit drug use.

Milavsky examined two such hypotheses. The first was the hypothesis that ". . . drug advertising leads to use of proprietary drugs and this, in turn, leads to the use of illicit drugs" (p. 16). He concluded: "In all analyses, no link at all was found—no apparent tendency for those who had used more proprietary drugs to show greater use of illicit drugs than those who had used less" (p. 17). The second hypothesis was that drug advertising leads to acceptance of "pill-popping" which in turn leads to use of illicit drugs. He concluded: "There is absolutely no relationship between cumulative exposure to drug advertising over the three year period and our sample's reported readiness to take proprietary drugs" (p. 22).

AUTHOR'S CONCLUSIONS

Milavsky stated: "The conclusion, at this stage in our analysis, is that the data do not support the contention that drug advertising leads teens to take illicit drugs either directly or indirectly. To the contrary, the data indicate that the heavy viewer of drug advertising on TV is less likely to use illicit drugs than is the light viewer" (p. 24).

COMMENT

Prospectively, this study is one of the most relevant and persuasive in this field; certainly it is one of precious few to deal directly with the issue of advertising and drug abuse.

Unfortunately, the report provides too little information about some matters. We do not know what attrition occurred during the three years of the research (is it possible that those boys who were most vulnerable to drug advertising succumbed, turned on to drugs, and dropped out?); we do not know what happened to "no answer," nor why sample size varies from chart to chart without explanation.

At the same time, it is plain that the sample was large. Furthermore, the analyses are carefully and completely presented, and indicate that the authors examined a variety of alternative explanations for their findings.

For the first time we have a sophisticated, relevant test of the "advertising-leads-to-abuse" hypothesis.

And the hypothesis is not supported

Source: National Commission on Marihuana and Drug Abuse, *Drug Use in America; Problem in Perspective*, Second Report of the Commission, March, 1973.

This is the second and final report of the Commision, issued in five volumes—the report and four appendices, containing technical papers, totaling over 4,000 pages of materials. Plainly no genuinely brief summary is possible. Accordingly, we have concentrated on just those portions directly concerned with the mass media and advertising.

1. Source: Kramer, E. H. A review of literature relating to the impact of the broadcast media on drug use and abuse. *Drug Use in Americas Problem in Perspective. Appendix Volume II: Social Responses to Drug Use*, 586–611.

The author listed a variety of statements, position papers, and opinions which have been offered respecting the belief that drug advertising on television leads, directly or indirectly, to drug abuse.

She pointed out that research evidence bearing on the suspected relationship is limited. Specifcally: The Oxtoby-Smith research reviews which showed "how little is 'known' about the cause of drug abuse" (p. 593); A detailed review of the Kanter study, including its limitations (pp. 593–594), and which failed to demonstrate a relationship; and two surveys in which respondents were asked what effect they would attribute to drug advertising; by and large their view was that it would have little or none (p. 595).

She concludes: "In summary, research evidence to substantiate a relationship between drug advertising and drug abuse does not appear to exist" (p. 595).

Unfortunately, she adds a gratuitous further comment, as follows: "Over-the-counter drug advertising on television *does* sell over-the-counter drugs. Figures obtained privately from a leading advertising agency confirm beyond doubt that the presence of specific drug commercials on television significantly increase drug sales" (p. 595).

This comment, reached on the basis of anonymous (indeed, private) data is unscientific and irresponsible. It is, further, the only basis for her recommendation to find the profile of the "effective" commercial to deal with both use and abuse.

2. Source: Ianni, F.A.J. Attitude towards the relationship among stress-relief, advertising and youthful drug abuse in two recent field studies. *Drug Use in America: Problem in Perspective. Appendix Volume II: Social Responses to Drug Use*, 612–622.

The author summarizes two surveys on attitudes toward causes of drug abuse, focusing on attitudes toward mass media advertising.

SAMPLE AND METHOD

The first survey included 362 respondents between the ages of seven and eighteen; the second included 4,723 adults. The interviewers were neighbors and peers of the respondents; all interviews were tape recorded. Respondents were from Harlem, Nassau County and Staten Island.

FINDINGS

The author restricts his analysis to those respondents who cited relief from stress as a cause of drug abuse. Accordingly, his samples for analysis amounted to only 171 youths and 1,675 adults. In the sample of youths, only one respondent mentioned advertising as a source of information which encourages people to seek stress-relief through drugs; though sixteen (9%) cited "media." In the sample of adults, 44 respondents (3%) mentioned advertising as a source of information which encourages people to seek stress-relief through drugs; though 206 (12%) cited "media."

The author concludes: "The media were the *least* frequently cited sources of information leading to the stress-relief syndrome in both the youth and adult samples. Further, when the media responses were broken down into specific media forms advertising was the least frequently cited media form showing less than one percent response in both the adult and youth samples" (p. 622).

COMMENT

The author exaggerates his findings slightly. That is, it is an exaggeration to calculate the percentage of "media" responses on the total sample, when answers were obtained only from a portion of the total. At the same time, it is true that mentions of media and advertising *were* very infrequent. Plainly, this research is not persuasive in showing either the importance or unimportance of media and advertising influences, since it reports only the opinions of respondents respecting those influences. It is a study of opinions, not a study of media influences.

3. Source: Barcus, F. E., Goldstein, J. M., and Pinto, S. K. Drug advertising on television. *Drug Use in America: Problem in Perspective. Appendix Volume II: Social Response to Drug Use*, 623–668.

The authors summarize their analysis of the content of drug commercials aired in Boston in mid-June 1972.

SAMPLE AND METHOD

The authors analyzed a total of 132 drug commercials. Their analysis was very detailed, and included such items as: "style of presentation" (e.g., dramatic skit, endorsement, etc.), "Use of animation," "ailments mentioned," "cautions about use of drug," "slogan," and the like.

FINDINGS

Detailed description of the findings would not be relevant to this review. (The analysis showed that many of the commercials presented dramatic skits, most showed pictures of the product, practically none used animation, and like.)

COMMENT

The authors' procedure is carefully described and hedged with appropriate qualifications; few would quarrel with their circumspect report. Unfortunately, they chose to construct a gratuitous framework of inference to support a case against drug advertising which, by their own admission, their data cannot support. Excerpts from the final paragraphs of their report will make this clear: "It might be argued that there is nothing in this report which demonstrates any relationship between the content of drug commercials and effects on the audience. In a sense this is true" (p. 648).

Then they add: "Simply stated, the assumptions for this case (effect of drug advertising) are as follows: Television is recognized as an important force for learning of new information and for the reinforcement and change of attitudes in our society; people watch a great deal of television; people buy products advertised on TV; there is an average of at least one drug commercial per hour, and considerably more during prime audience hours; and therefore we must assume some kind of effect of drug commercials on the audience."

Indeed, drug commercials may have effects of a variety of sorts—some may amuse, some appall, some may attract some people to try one remedy rather than another, and some may lead some people to eschew them entirely. The authors, however, seem more interested in fixing blame than in finding out what is true. They conclude: "Thus, if action in the area of drug use and abuse is necessary, and even though drug advertising may not be cited as the 'cause,' it should be considered as a contributory factor. And contributory factors must be treated as causal if the responsibility for action is not to be shifted from place to place" (p. 648). In short, their conclusion is gratuitous, personal, and unsupported by either logic or data.

4. A Concluding Comment

Despite the subjective tone of two of the three cited technical papers, the conclusions and recommendations of the Commission—at least with respect to drug advertising in the mass media—are much more restrained and balanced.

Specifically, the Commission's recommendations urge that drug advertising ". . .omit suggestions that the substances can result in pleasurable mood alteration or deal with malaise caused by stress or anxiety" (p. 479).

Further, they recommend:

"Since government intervention is inappropriate here, the media, on their own initiative, must re-examine the impact of informational messages on youthfull interest in psychoactive drugs. They should look not only at advertising but also at anti-drug public service announcements, at program content, and at news coverage of 'drug stories.'" "In conjunction with their self-appraisal, the media should sponsor and support long-term, longitudinal research into effects of various communications on behavior" (p. 481).

Source: Rouse, A. and Ewing, A., "Student Drug Use, Risk-Taking and Alienation." *Journal of the American College Health Association*, 1974, *22*, 226–230.

"In previous attempts to determine the motivation for taking marijuana and for the increasing popularity of this still illegal activity, . . . we found that (marijuana users) expressed greater willingness to take the legal, social and psychological risks associated with marijuana . . . In addition a significant association between subjective feelings of alienation and drug use among college seniors was found by Walters. If drug users are alienated from society, perhaps they actually experience less risk in 'dropping out'" (p. 226).

SAMPLE AND METHOD

"A proportionate random sample, stratified on the basis of sex and year in school, was drawn from the total enrollment of undergraduates in a large southeastern coeducational university during the Spring semester" (p. 226).

Questionnaires were mailed to students, and were to be completed anonymously. The response rate was 83%. The data for the study are based on 374 completed questionnaires. The questionnaire included questions on: . . .Demographic information; . . . drug use; . . . perceptions of risks associated with various drugs; and . . . indicators of alienation.

FINDINGS

A. Use

If the results of this study were to be used as definition for social norms, marijuana users would be considered no more deviant than non-users. Nearly half (49%) the sample had either experimented with the drug (17%) or continued to use it (38%). However, there were important differences within and between these groups: . . . Men (54%) were significantly more likely than women (38%) to have had some experience with marijuana; . . . continuers were far more likely to have tried other drugs, including alcohol, than were experimenters or non-users; and . . . experimenters tried marijuana out of curiosity, to be sociable and to feel good. Most continuers used marijuana for greater sensor awareness and exhilaration. However, heavy users were more likely to take marijuana for relaxation, sexual enjoyment and to overcome depression, while less frequent users were more interested in the social aspects.

B. Risk

The extent to which drug use is perceived to be risky is related to whether or not a person will use that drug. In this study: All groups considered the legal and emotional risks to be greater than the physical and social ones; non-users perceived significantly more risks in drug use than did experimenters or non-users; and women were more concerned with the legal, physical and emotional risks than were men.

One way of taking risks is to actually use marijuana. Another is what you do after you have used. The propensity to take risks has a certain consistency in the lives of those included in the study: Marijuana users were more likely to drive after drinking and after using other drugs than were non-users; and frequent marijuana users were most likely to combine driving with drinking or marijuana use.

C. Alienation

"Because alienation is a complex concept involving many aspects, such as feeling of estrangement, lack of power and values, it is difficult to assess its relationship to marijuana use in functioning college students . . . We found few significant associations between the possible indicators of alienation studied and marijuana use" (p. 229).

On the basis of these indicators, no continuum exists between continuers, experimenters and non-users. Rather, experimenters appeared to be the most "adjusted" of the three groups, and were the least likely to: feel social or interpersonal alienation; difficulty in achieving a sense of identity or independence; and have suicidal thoughts.

No clear relationship exists between drug use and feelings of alienation: Although non-users were more likely than continuers or experimenters to have some religious affiliation, a sizable minority of non-users expressed alienation in one form or other. On the other hand, continuers were the most likely to express feelings of alienation, with frequent users more often expressing these feelings than less frequent users.

Some form of relationship then, exists. The design of this study, however, does not allow us to decide whether: Feelings of alienation lead to drug use; drug use leads to feelings of alienation; or whether or not the criteria used to measure alienation were adequate.

COMMENT

Risk-taking is a difficult concept to analyze, since the degree to which an action is risky is subjectively determined. A "risky" action may appear harmless to somebody who has misjudged its dimensions. Alternatively, an innocuous course of action may appear "risky" to somebody who has exaggerated its dangers: This ambiguity was raised but not conclusively resolved in this article:

"The question then arose as to whether this difference in risk-taking was due to a greater willingness to take risks on the part of the marijuana users or to a lesser subjective estimate of the risks involved" (p. 226).

The central findings that resulted from the research were:

Marijuana users take a larger variety of drugs than others do;

They perceive less risk in taking marijuana and other drugs;

By driving after alcohol or drug consumption they objectively take more risks; and

They tend to feel alienated.

Although unequivocal evidence is lacking, these findings point more strongly to the conclusion that drug-users evaluate situations as being less risky than other people do, rather than that they willingly take more risks. Conversely, those who perceive high risk involved in drug use tend not to use drugs.

What the findings do *not* do, is shed any further light on the question of why youth begin taking drugs at all.

Source: Sadava, S.W., "Initiation to Cannabis Use: A Longitudinal Study of College Freshmen," Canadian Journal of Behavioral Science, 1973, 5 (4), 371-384.

This longitudinal study examined some social psychological variables associated with beginning marijuana use among college freshmen.

SAMPLE AND METHOD

The sample consisted of 319 freshmen (170 female and 149 male) at an English-language college in Quebec. Of these:

110 had used marijuana before the study (Users);

168 had not used marijuana by the end of their freshman year (Non-Users); and

41 started using marijuana during their freshman year (Initiates), (p. 375).

Subjects were tested in the fall, during orientation week, and then again in March, six months later. Data were gathered through self-administered questionnaires. Presumably, identical questionnaires were administered in the spring and fall.

Response rate on retest was 89%. The author attributes this high rate to "the generally favorable orientation of the subjects as well as the modest payment offered on retest" (p. 375).

The questionnaire consisted of rating scales which measured:

Expectations for goal attainment (30 items) and included measures of academic recognition, social love and affection, and independence;

Internal vs. external control (15 items);

Positive and negative functions of drug use; and

Social support for drug use (16 items), (p. 375).

Scores on these social psychological variables were assessed in terms of:

Their predictive utility; and

Changes in the variables that accompanied the onset of drug use (p. 376).

FINDINGS

Briefly, the author found the following:

Initial fall scores for the Initiate group fell between those of Users and Non-Users. In other words, Initiates were *initially* different, and one can speculate that they were, in some way, predisposed to become marijuana users.

More specifically, Initiates differed from Non-Users by having:

Higher expectation of social love and affection;

Higher expectation of independence;

Higher social support for drug use;

Higher tolerance of drug use; and

Lower negative perceptions of drug use.

Initiates differed from Users by having:

Lower expectations of independence;

Lower positive perceptions of drug use;

Lower tolerance of drug use; and

Lower social support for drug use.

After six months, all three groups showed some change in their scores on these variables. The Initiate group, however, showed the most extensive change (on five of the eight variables). Again, one can speculate that this group was the most labile and volatile, and that this change in scores was a manifestation of particular receptivity to a new situation, that of the college experience.

The most significant change among Initiates was on increased scores on the positive functions of drug use. In the fall, they were significantly different from Users; in the spring they became significantly different from Non-Users.

However, the Non-User groups also showed an increased score on this variable.

In other words, change in the positive function variable is not causally related to initiation of marijuana use.

COMMENT

This study shows that a variety of changes in attitude occurred during the first half of the freshman year. Of the 24 differences calculated, 16 were not statistically significant, 8 were.

Further, the author found that those students who began to use marijuana during the freshman year were different in some ways from those who did not. They were closer—in average score—to students who had begun using marijuana earlier. In particular, they were inclined to want to do things on their own and to have more positive and tolerant attitudes toward drugs and drug usage.

The research is mute on our concerns in this review. It does not shed any light on the longitudinal reasons for the differences—and certainly says nothing respecting advertising as a direct or indirect influence in beginning marijuana use.

Source: Singh, R.N., and Haddy, L.E., "Alcohol Consumption and the Students' Use of Hallucinogenic Drugs," *West Virginia Medical Journal*, 1973, *69*, 88–90.

This paper explores the relationship between teenagers' use of hallucinogenic drugs and:

Their use of alcohol;
Their parents' use of alcohol; and
Their peers' use of marijuana and LSD.

SAMPLE AND METHOD

Respondents were drawn from students in three high schools in Charleston, West Virginia. The students were white males and females in Grades 10 through 12 whose socioeconomic background ranged from upper middle class to low income.

The study is based on data from 1,995 questionnaires. 12% of the sample were users of marijuana and LSD and 88% were non-users.

FINDINGS

There is, according to the research reviewed here, a definite relationship between teenagers' use of hallucinogenic drugs and the three variables of student drinking, parental drinking and peer use of marijuana and LSD. More succinctly, students who use hallucinogenic drugs are more likely than their non-user peers to:

Be heavy consumers of alcohol;
Have parents who are heavy or moderate consumers of alcohol (this is more true of fathers than of mothers); and
Have friends who use marijuana and LSD.

The researchers were unable to detect any clear relationship between frequency of hallucinogenic drug use and the three dependent variables under investigation.

COMMENT

This study is consistent with other studies in which a relationship has been demonstrated between adolescent drug use and drug use patterns of parents and peers.

The relationship in this study, however, is based upon parental drinking and peer drug usage, *as reported by the student*, a procedure which may reflect the students' beliefs or attitudes more accurately than the parent's and peer's behavior.

Source: Spevack, M., "Prediction of Cannabis Initiation in Student Populations." Unpublished paper, undated.

"The present study attempted to take into account the methodological problems of previous (surveys of drug use among students), in an attempt to assess whether previous findings would stand up under this new rigour" (p. 1).

SAMPLE AND METHOD

The problems which the author noted in other studies, and his solution to them in this survey, were as follows:

Insufficient sample size. No sample sizes are reported in the paper. He reports that ". . . a random 5% sample was selected from a total student population of 8,000" (p. 2). If responses were obtained from every candidate, the sample would amount to 400 respondents.

Failure to use random sampling techniques. The author reports that his samples were randomly selected.

Failure to assess non-responders. After an initial phone call to urge the selected candidates to respond, the author followed up as follows: "Five days later a random sample of twenty non-respondents was drawn and a new questionnaire mailed to them. These respondents were repeatedly urged by telephone to return the survey until they indicated they had complied" (p. 3).

He reports that ". . . the second sample of questionnaire non-returners showed a similar drug use frequency as the spontaneous returner, and it was concluded that the returned sample was not biased on the dimensions of drug use" (p. 3).

Failure to use statistics. The author did employ statistical tests (e.g., Chi-square and Discriminant Analysis) to establish the reliability of his findings.

Failure to use adequate demographic controls. It is not clear what the author means by this; nor is there any reference in his report which would indicate what, if anything, he did about it in his own surveys.

FINDINGS

The author reports that three surveys in all were conducted: in 1969, 1970 and 1971. Respondents were high school students from schools in ". . . an English speaking middle to upper middle class suburb of a large eastern Canadian city" (p. 2).

Reported drug use—principally marijuana and hashish—increased from wave to wave: 13.2% in 1969; 25.2% in 1970; and 42.3% in 1971.

The attributes which distinguish drug users from non-users, according to the author, are consistent with those reported in earlier studies.

Compared to non-users, drug users are: older; more often male; more likely to use alcohol and cigarettes; rebellious and negative; estimates drug use among teenagers as more prevalent: and more likely to have a poor home life.

He went a step further, however, and used a special statistical test (i.e., Discriminant Functions Analysis, to see if the difference could be used to pick out users from non-users in a new sample. Thus, he used Wave One data to try to predict users and non-users in Wave Two and Wave Three.

Four items were effective predictors: smoking; drinking alcoholic beverages; reporting drug use among friends; and low rating of one's own friendliness.

Using those four items, the author found accuracy of prediction of 78% to 88% from one wave to another.

COMMENT

The study is too briefly reported to permit detailed analysis of the basis for the author's conclusions. The fact that his findings are generally congruent with those of other studies of adolescent drug users lends credence to them, however.

In short, this study appears to contribute to the body of findings which support the notion that adolescent drug users are drawn largely from those children whose home life is at least moderately troublesome, and who turn to friends for support, intimacy, and approval.

Source: Weaver, S. C., and Tennant, F. S., "Effectiveness of Drug Education Programs for Secondary School Students." *American Journal of Psychiatry*, 1973, *130*(7), 812-814.

This study reports the effects of an intensive drug education program on drug abuse among eighth-graders.

SAMPLE AND METHOD

The study began in 1969. The sample consisted of eighth-grade students from three schools in two separate districts in the Houston area. The sample was divided into an experimental group (452 students) and a control group (380 students).

As part of a program administered to all schools in the district, each group received drug information in the form of: Guest panels and discussions; and drug education films.

In addition, the experimental group was given a three-week course, which included "a commercially prepared purchased format consisting of advanced methods including programmed tests, films, case studies and role-playing" (p. 813).

When this program was over, each group completed two questionnaires: A 50-item drug knowledge test; and an 18-item questionnaire that covered drug use and behavior as well as preference for drug education curricula.

Nine months later, when the students entered ninth grade, the same two questionnaires were re-administered to the experimental group only. 327 questionnaires were completed.

"The purpose of the resurvey was to determine the students' retention of drug knowledge and whether the intensive education program has influenced drug use" (p. 813).

FINDINGS

We can look at the findings for the two questionnaires separately.

A. Drug knowledge

The experimental group performed considerably better (average of 30 correct items) than did the control group (average of 18 correct items).

The experimental group showed a slight but statistically significant decline in drug knowledge nine months later (average of 27 correct items).

B. Drug use and behavior

Knowing more about drugs did not, apparently, affect students' behavior in the way we might have anticipated. After the third week of the education program:

One in eight (12%) experimental group students considered themselves to be causual or experimental drug users. In the control group, this proportion was 4%.

A similar proportion in each group (4%) used drugs five or more times a week.

A small minority (less than 5%) claimed to have stopped using drugs as a result of information they had received from the school programs. There was no difference between the two groups in this respect.

During the nine-month period, *there was an increase (from 12% to 18%) in the number of students in the experimental group who used drugs on a casual or experimental basis.* The extent of regular use (five or more times a week) however, did not change.

COMMENT

The authors do not indicate:

Which drugs they were surveying in their second questionnaire. Was it marijuana use that had increased? Were students in the experimental group turning to "hard" drugs? Or were students switching away from hard drugs to marijuana which was perceived as relatively benign as a result of the educational program? The control group was not retested after the nine-month period. In order to evaluate the extent of change within the experimental group, it would be essential to know about parallel changes, if any, in those who had *not* received the intensive educational program.

We know that immediately after the three-week program, there were more users (casual or experimental) in the experimental group. What was the relative proportion nine months later? What was retained from the less intensive program?

Although the two groups were "matched" it would have lent the study more confidence if students had been asked about drug use before they were exposed to any program. It may be that the samples were not, in fact, comparable.

Alternately, the students could have been tested immediately after the less intensive program, to establish a benchmark from which to measure departures. This would have established the comparability of the samples.

A FINAL COMMENT

This study has little to say about the role of advertising in either encouraging or discouraging drug abuse.

It does, however, raise a startling notion—namely, that drug information, even that contained in programs which the authors intend as deterrents to abuse, may actually *encourage* drug experimentation and use.

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APPENDIX C

EXPOSURE TO DRUG ADVERTISING ON TELEVISION AND PROPRIETARY AND ILLICIT DRUG USE AMONG TEENAGE BOYS

(J. Ronald Milavsky, Berton Pekowsky, Horst Stipp,
National Broadcasting Co.)

The data on TV exposure and illicit[1] and proprietary drug use to be reported on here were obtained as part of NBC's longitudinal panel study of TV and aggressive behavior. They were collected from teenage boys and their mothers and fathers in two midwestern cities, over a period of three and a half years beginning in May, 1970, and ending in December, 1973. Between those dates, the same boys were interviewed[2] five separate times and their mothers and fathers twice. The sample[3] consists of both low and middle income and black and white families.

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[1] As we use the term, illicit applies to a number of different drugs. All are presumed by many to be psychoactive, that is, to affect the mind in some way. Although the drugs included have this common feature, they also differ with respect to their legality. Some, such as LSD, marijuana, and heroin, are unlawful either to sell, obtain, or possess, while others, such as amphetamines and barbituates, are unlawful to use except under medical authorization.

Some small proportion of boys in our sample who report the use of barbituates or amphetamines may be doing so under medical supervision while most probably are doing so without it. Our questionnaire did not allow us to distinguish between these two groups of users.

[2] Groups of neighborhood friends attended interview sessions supervised by two college-aged male interviewers. In the sessions, boys first answered questionnaires about themselves and then separate questionnaires about each of their friends who were also in the study. After answering the questionnaires, discussions were held about some topic of interest to them. Each boy attending an interview session received a record album as a gift.

The boys were told that the study aimed at finding out about what boys their age think, feel, and do. This enabled us to ask about a variety of subjects in addition to their television viewing and their aggressive behavior. Use of illicit drugs[4] was one of those topics.[5]

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[3] Our sample was recruited in the following manner: target boys were randomly selected from separate enrollment lists of 7th, 8th, and 9th graders in low and middle SES schools, some of which contained high proportions of blacks. We aimed at recruiting a sample balanced with respect to SES and grade, and, among the low SES boys, balanced by race. These target boys were then contacted for recruitment and asked for names of up to eight neighborhood friends with whom they spend a lot of their free time; these friends were also recruited. In Wave II, as a result of special efforts, we recruited additional boys—friends of those who were in the study in Wave I. Additionally, we later recruited into our sample 7th and 8th graders who earlier had been part of a separate sample of elementary school children who were also being studied to investigate the relationship between television violence and aggressive behavior.

The Wave I sampling procedure's strength is that it enabled us to include boys and their neighborhood friends in the study. Thus, for each boy, we have access to data about a possibly important source of social influence. However, this sampling procedure has a drawback as well. Such a method raised the possibility that social isolates would be underrepresented.

Social isolates could enter the sample only initially, at the target level, which had been randomly selected. After the target stage of recruitment, all other boys we recruited had, by definition, at least one friend—the target boy.

An underrepresentation of the more socially isolated raises the question of whether our findings would be different were such boys included in their proper proportions. This question is raised because the role of television may be different among social isolates. One might hypothesize, for example, that television may be more influential among boys who are less exposed to peer group norms. We thus had two problems: one is the technical problem of assessing the extent to which our sample procedures underrepresented social isolates; the other is the theoretical question of whether television's role may be stronger among socially isolated boys.

An analysis directed at the technical issue showed that our sampling design did not underrepresent social isolates to any significant degree.

The target sample, having been randomly selected from school rolls, represents the universe of friendship one would expect had our entire sample been randomly selected. An analysis of how friendship patterns among target boys differ from those found among the remaining sample would therefore reveal the extent to which our recruiting friends of target boys has led to an underrepresentation of social isolates.

We were able to examine differences in friendship patterns between target boys and their neighborhood friends because we included a number of questions on friendship in questionnaires in Wave I. We found relatively small differences in the expected direction. At the point of maximum difference 54% of the target boys had four or less "close" boy friends (N=104) compared to 47% of the friends (N=258). At points presumably indicating more social isolation the differences between targets and friends were even smaller. Comparing the percentage of either three or less or two or less "close boy friends, differences between targets and friends were only 4%.

A similar pattern emerged when we examined either the number of "ordinary" boy friends or a combination of "close" and "ordinary" boy friends. Thus the maximum difference between target boys and friends in the number of both "close" and/or "ordinary" boy friends is at eight or less, where the differential is 10%. At five or less the differenc is only 2%.

An examination of these data also indicates, as have other studies, that extreme social isolation among teenagers is very rare. Only two boys in either group had no boy friends at all. 97% of the boys in both groups had four or more boy friends.

We concluded from this that the range of friendship we find in our total sample is similar to the range one would expect to find were our whole sample randomly selected. Since social isolates were only slightly underrepresented, it seemed unlikely that they could affect our results had they been represented in proper proportion. Several analyses confirmed that their effect on the overall results is indeed negligible.

Although they do not affect our overall results, the theoretical issue of whether TV's role among social isolates differs, still remains. A full exploration of this issue is beyond the scope of this paper. We can report, however, that the relationship between drug exposure and data about proprietary and illicit drug use, and about an attitude of readiness to take proprietary drugs, to be reported below, are either identical or only slightly different between groups of varying degrees of social integration.

[4] Because of the nature of many of the acts to be investigated (e.g., drug use), we instituted procedures to try to insure honest reporting. The importance of honest reporting and the confidentiality of the material were strongly stressed to the respondents. Male interviewers between the ages of 18 and 30 were chosen rather than older adults or women. Names did not appear on the questionnaires, but ID numbers did in order to keep track of respondents over time. In most cases, questionnaires were answered on weekends in a place away from home or school. However, to reach the relatively few who could not be interviewed on weekends away from home or school, interviews were sometimes held in those two locations. In some of the waves discussions about the honesty of reporting were held after the boys answered the questionnaires. Here again, the necessity of honesty was stressed and the boys could express their thoughts about it. Relatively few indicated fears of revealing deviant behavior and during these discussions the moderators reassured the boys about confidentiality. Because of all of these procedures and the fact that numerous boys reported frequent instances of deviant behavior, we feel we obtained fairly honest reporting throughout our study. The fact that we saw these boys numerous times and the fact that no difficulties arose from their earlier reports may have encouraged even greater honesty in later waves.

[5] Data were also collected on such topics as: relations with parents and siblings; leisure activities, sexual attitudes and behavior; use of other media; and attitudes about political issues, child rearing, television, and self.

Shortly after our first data collection wave, the possibility that illicit drug use is causally linked to the advertising of proprietary drugs became the subject of a hearing before a Senate Subcommittee.[6] At the time, very little evidence was available, but a strong concern about possible side effects of exposure to drug advertising on television was evident. In his opening statement Subcommittee Chairman Senator Frank Moss said: "The message, in sum, is clear and shocking: Certain kinds of advertising stand accused of seducing the young to drug dependency and creating vulnerability to drug abuse." And, ". . . the drug culture finds its fullest flowering in the portrait of American Society which can be pieced together out of hundreds of thousands of advertisement and commercials. It is advertising which mounts so graphically the message that pills turn rain into sunshine, gloom to joy, depression to euphoria; solve problems, dispel doubt."[7]

Other political figures as well as social scientists have expressed a similar point of view. Former Mayor Lindsay of New York accused television of playing a role in causing addiction among children by showing commercials that teach them "to wake up, slow down, be happy, relieve tension with pills."[8]

Dr. Arthur Berger, then Associate Professor of Social Science, San Francisco State College, said, "The enormous amount of drug advertising that is going on tends to reinforce the drug behavior that we get, the illicit drug behavior as well as the legal drug taking. It's just a matter of degree; once you get the idea that drugs 'solve' problems it's just a little step beyond to hard drugs for hard problems—and addiction."[9]

The basic argument implicit in all these quotations is that TV commercials somehow lead to the acceptance of pill popping as a cure for whatever is troubling you, and that this, in turn, leads to experimentation with and use of illegal drugs.

Now, four years after the Senate hearings, there is still very little published data available which bear directly on this argument. Our research of the literature has turned up only one published study in which an investigator reported information relating both television exposure and either illicit or proprietary drug use among the same sample.[10] We had these kinds of data and analyzed them in order to provide an empirical test of the charges against drug advertising. These issues are, of course, only a few of the many issues involved in the general subject of the possible determinants of drug use among teens. Although our interest in the subject extends beyond discerning possible influences which might be traced to TV, we will limit our attention to the TV issues for this paper.[11]

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[6] *The Relationship Between Drug Abuse and Advertising: Hearing before the Consumer Subcommittee of the Committee on Commerce, United States Senate* (Washington, D.C.: U.S. Government Printing Office, 1971) Serial No. 91–94.

[7] *Ibid.*, pp. 2 and 3.

[8] See *The New York Times*, February 8, 1970, pp. 1 and 7.

A similar opinion was expressed more recently by Massachusetts Attorney General Francis X. Bellotti. *Variety*, July 2, 1975, pp. 43 and 56.

[9] *Op. cit.*, Senate Hearings, p. 21.

[10] The only published study we encountered is a rather small-scale one by Jerome Brodlie. He asked several retrospective questions about TV use of a small sample of adolescents who he refers to as "drug abusers" and who were also being seen by psychiatrists at a clinic or privately. Two small comparison groups were also used; one consisting of "normal" adolescents who did not use drugs and the other consisting of adolescents who had rather severe psychological problems but were not "drug abusers." (Also see footnote 32).

(See Jerome F. Brodlie, "Drug Abuse and Television Viewing Patterns," *Psychology*, Vol. 9, No. 2, May 1972, no pages.)

In addition to this published study there are other unpublished data which are relevant to this issue. We discovered that two studies, "Pharmaceutical Advertising and Youth," by Donald L. Kanter (Coronado, California: Coronado Unified School District, 1970); and a survey prepared for the National Commission on Marijuana and Drug Abuse by Herbert Abelson, (see "Appendix, Marijuana: A Signal of Misunderstanding, The Technical Papers of the First Report of the National Commission on Marijuana and Drug Abuse," p. 992) had asked both about drug use and TV exposure. The Kanter study asked one closed-ended question about hours of viewing TV for each day and also asked a sub-sample an additional open-ended question about what TV programs they try to watch regularly, every day of the week. The Marijuana Commission study asked how many of the past seven days the respondent watched a regularly scheduled news program on TV.

Neither study reported any findings about drug use and TV exposure. We contacted Kanter and Abelson and both indicated they had not examined the relationship between the two variables. They also showed an interest in looking into the possibility of investigating this relationship in their data.

Shortly after the 1974 AAPOR meetings, at which this paper was read, we learned that James M. Hulbert had been doing a study of college students which investigated the relationship between television viewing and both illicit and proprietary drug use. See James Hulbert, "Applying Buyer Behavior Analysis to Social Problems: The Case of Drug Use," Preliminary Report (New York: Columbia University Graduate School of Business Administration. Mimeo. July, 1974).

More recently we learned that Denise Kandel had included a question about whether respondents viewed TV daily, in a study of illicit drug use in a large representative sample of public secondary school students in New York State. At our request, Dr. Kandel provided us with a special cross-tabulation, with the results to be reported below.

ILLICIT DRUG USE

The sample of teen boys was predominantly thirteen to fifteen years of age when the study began, and these same boys were sixteen to eighteen at the time of the last data collection. These are the years in which experimentation with drugs begins. Figure 1 shows what happens to usage of some illicit drugs, as the same boys progress from the beginning of the study to the final wave.[12] (Usage frequencies are adjusted for inconsistencies in reporting.[13])

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[11] There are several other charges that the mass media contribute toward drug use. Two of the more prominent ones are that entertainment programs on television promote drug use by portraying drug use life styles in a positive manner and that television and radio encourage it through the airing of rock music with drug lyrics.

No evidence has been advanced to support the first charge against television, but Winick did a content analysis of TV programs and found no evidence of drug glorification, but rather that ". . . the consequences and effects of drug use are almost uniformly presented as being personally and socially undesirable." See Charles Winick, "A Content Analysis of Drug Related Network Entertainment Prime Time Programs 1970–72" in *Drug Use in America: Problem in Perspective* (Appendix to The Technical Papers of the Second Report of the National Commission on Marihuana and Drug Abuse, Volume II: Social Responses to Drug Use. Washington, D.C.: U.S. Government Printing Office, March 1973) pp. 698–708, quote p. 703.

Very little substantial evidence has been reported to support the second charge. One study, by Robinson, did find a correlation between drug usage and the appreciation of rock music, but did not demonstrate a cause and effect relationship between them. See Esther H. Kramer, "A Review of Literature Relating to the Impact of the Broadcast Media on Drug Use and Abuse," *ibid.*, p. 598.

On the other hand, an article by Schwartz, Feinglass, and Drucker pointed out the factors mitigating against the likelihood of a causal connection. Some of these factors are: the multiple and therefore ambiguous meanings of lyrics; the low proportion of listeners who accurately interpret the meanings of these lyrics; the greater appeal of the music as compared to the song's meaning to most listeners. Finally, a high proportion of song lyrics indicate opposition to drugs, especially hard drugs. See Elaine S. Schwartz, Sanford J. Feinglass, and Carol Drucker, "Popular Music and Drug Lyrics: Analysis of a Scapegoat," *ibid.*, pp. 718–746.

Another charge against television is a more general, rather vague one. Essentially, this view hypothesizes that TV is an important influence among many other influences; it tells us about our environment; what is, what is important, what is right and wrong and what is related to what. Two authors, Barcus and Jankowski, who present this point of view, believe that TV, in its presentation of drug use in news and fictional programs, is among the agents responsible for drug use. As they state, "We must conclude that, as part of the current environment, the mass media are a contributory factor in social change—including the changes we have witnessed in the social orientation to drug use. We feel that all contributory factors which can be identified must be treated as causal." The alternate hypothesis—just as plausible—that mass media are a contributory factor in maintaining the status quo, is not considered.

See "Drugs and Mass Media," *Annals*, January 1975, pp. 86–100.

The authors do not support their hypothesis with empirical evidence. Instead they argue that research focussing on cause effect relationships is not adequate for assessing the hypothesized effects. Since this reasoning prevents the falsification of an hypothesis, we cannot accept it.

Rather, we believe that our own data and other data relating television and/or drug exposure to illicit drug use bear on these charges; we would expect a positive relationship between television exposure (or exposure to certain aspects of TV programs) and illicit drug use if these charges are true. To the extent that the data do not indicate this, the charges will appear to be unsubstantiated.

Finally, there is a charge that TV may lead to illicit drug use because both allow individuals to remain passive while at the same time being stimulated. According to this view, both TV and drugs relieve boredom with a minimum of effort. TV is implicated because it may play some role in developing a life style which seeks both passivity and stimulation. TV, by initially inducing passivity, destroys the child's ability to be active while relieving him of anxiety or boredom. Drugs are later sought because they have a similar effect.

Very little evidence has been presented to support this hypothesis. In one study, by Brodie, this passivity hypothesis is offered as a possible explanation of a finding that TV viewing among drug abusers was greater than among non-drug using control groups. However, this finding is inconclusive because of limitations of the study (see below, footnote 32).

[12] In Waves I–IV, drug usage was determined by asking "Have you ever personally used any of the following drugs?"

	Yes	No
(a) Marihuana (pot, grass) or hashish (hash)	☐	☐
(b) Heroin (horse) or cocaine (coke)	☐	☐
(c) Amphetamines (speed)	☐	☐
(d) LSD (acid)	☐	☐
(e) Other (please specify)	☐	☐

(Continued)

PERCENT OF BOYS REPRESENTED IN ALL WAVES
REPORTING USE OF ILLICIT DRUGS IN EACH WAVE

Percent of boys reporting ever
having used illicit drugs

(N=300)

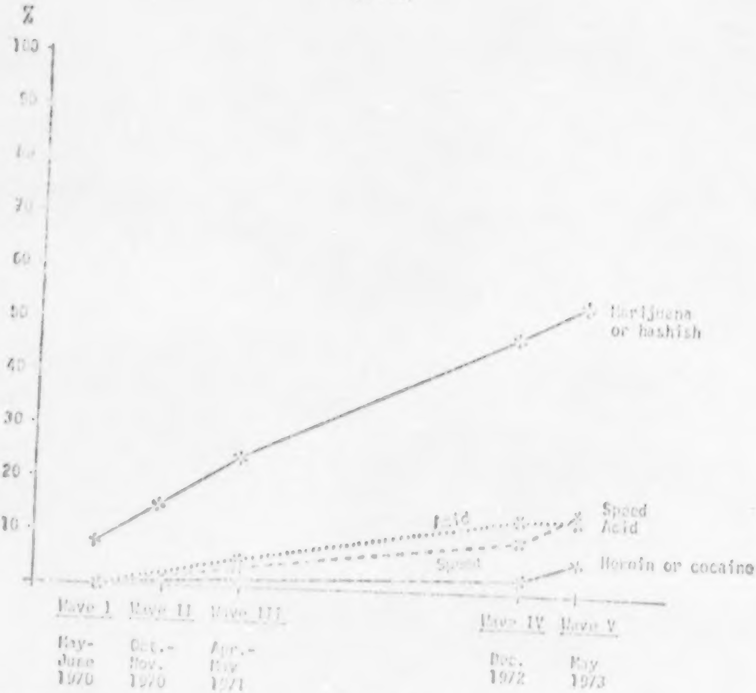

FIGURE 1

(Continued)

In Wave V we used the following question for Figure 1. "When was the last time, if ever, that you took any of the following drugs?"

	Last time this happened				
	Within the past 3 mo	4 to 6 mo ago	7 to 12 mo ago	More than 12 mo ago	Never
(a) Marijuana (pot or grass) or hashish (hash)......	☐	☐	☐	☐	☐
(b) Any amphetamines (speed, ups, drugs which really pick you up)........................	☐	☐	☐	☐	☐
(c) Any barbiturates (downers, seconals, quaaludes, drugs which calm you down).......	☐	☐	☐	☐	☐
(d) Heroin (horse) or cocaine (coke)...............	☐	☐	☐	☐	☐
(e) LSD (acid)..	☐	☐	☐	☐	☐
(f) Any other drugs which can get you high or change the way your mind works (THC, mescaline, peyote, etc.) please specify:					
______________________	☐	☐	☐	☐	☐
______________________	☐	☐	☐	☐	☐
______________________	☐	☐	☐	☐	☐

In Figure 1, two percent "ever used" in Wave V was defined as those checking a response other than "Never" in this question.

(Continued)

The distance between waves is proportional to elapsed time between them. The figure shows that at the start of data collection the proportion of boys who report having ever tried drugs was nearly zero, except for marijuana or hashish,[14] and only a few had tried that. Each subsequent wave through these early years shows experimentation with drugs increasing among the boys in a fairly linear fashion, with marijuana leading the list: in three years, the percentage of boys who tried "pot" rose from just under nine percent to 54%. The other drugs, speed, acid, heroin or cocaine, are less likely to be tried, but some new usage does occur as the boys pass through their early teen years.[15] The levels of marijuana and other drug use reported here fall within the range of findings by other studies with similar age groups, during comparable years.[16]

Thus illicit drug taking virtually starts for our sample at the time our study began and accelerates substantially over the time span covered by the data collection. This enables us to attempt to find some determinants of this increase. And, particularly, we can try to discover whether television is responsible.

DRUG ADVERTISING EXPOSURE MEASURE

The possible influence of television can be examined because the boys were asked about their television viewing in considerable detail. In each of five waves, we listed close to 50 television programs, sampled from every part of the week

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(Continued)

Comparing the two questions reveals that aside from the difference in information sought by the two questions, there were also differences in the descriptions of some of the drugs and the number of drugs listed. Unlike Waves I–IV, the Wave V question contained barbituates and provided a fuller description of amphetamines and "other" drugs.

Therefore, a certain amount of caution should be exercised in interpreting changes from Wave IV to Wave V, particularly with respect to amphetamines.

[13] Some respondents were inconsistent in their reports on drug use: they indicated using a drug at one point in time while reporting never having used it at a later point. Or they claimed having used a drug earlier—contrary to their reports in previous waves.

Eighteen percent of the respondents represented in all waves made at least one error of this sort and less than 4% made more than one error. We believe these to be relatively low preentages considering that there were five measurements spread over a three year period which would present recall problems especially for occasional users. In addition, the changes in question format discussed above appear to have caused some errors. And accidental errors—e.g., checking a "No" when a "Yes" is intended—were also likely in a five-wave study. On the other hand, it cannot be ruled out that some of these boys were consciously distorting their reports in one or more waves.

We considered excluding these inconsistent reporters from this and subsequent analyses—as we had done for presumably invalid reporters of their TV viewing (see footnote 17). In order to find out if such a step was necessary, we reanalyzed all data reported in this paper for consistent reporters only. In all cases, the results did not differ significantly from those obtained with the full sample. Consequently, we report the data utilizing the full sample.

The usage frequencies in Figure 1, however, are adjusted for inconsistencies in reporting. Looking at each boy's responses in all five waves, we accepted the majority of his responses. (Since there was only one deviant response in most cases, the adjustments were usually not problematic.) If, for example, a boy reported use of a drug at one point in time, but reported to have never used it in the previous and subsequent waves, he was categoriezed as "non-user" in all waves. On the other hand, if a boy reported use in the first wave(s), then claimed no use, and then in subsequent waves, again reported having used the drug, he was classified as "user" in all waves. In a few cases, however, such adjustments could not be made because it was impossible to decide which responses were deviant. (These cases are included in Figure 1 without adjustments.)

[14] In all waves, the questions which asked about marijuana use included the words "or hashish." We are therefore not able to distinguish use of marijuana from use of hashish. Since in our data almost all users of other illicit drugs have used marijuana as well, we can probably safely assume that all those who indicated use of marijuana or hashish have used marijuana.

Although we asked about use of marijuana or hashish, for ease of presentation in the report hereafter we refer to "use of marijuana" and do not include the words "or hashish."

[15] In order to indicate the trend in drug use during the length of the study, this figure presents data on those for whom we have valid information in all five waves. Most of the succeeding tables also utilize only the boys for whom we have valid information in all waves. However, there are a few figures where data is presented for a larger sample, those for whom we have valid data for a specified wave or a combination of waves. Because the data base for different figures change in this way, wherever we present data in a figure on a certain part of our total sample we also report results in a footnote for other groups not specifically shown in the figure. (See also footnote 30).

There are also slight differences in the number of cases appearing in different tables because the non-response rate to particular questions varies.

[16] *For marijuana use, see Marijuana: A Signal of Misunderstanding, op.cit.*, pp. 253–256. For use of other drugs, see *Drug Use in America: Problem in Perspective* (Second Report of the National Commission on Marijuana and Drug Abuse. Washington, D.C.: U.S. Government Printing Office, March 1973) pp. 79–82.

The increase in drug use over time shown in Figure I could be the result of the aging of the sample over time. Our study as well as others have found that within the age span of our sample the older the youth the more likely the use of drugs. Another possible explanation for the increase is the general increase in drug usage in the country during the period of the study.

and all parts of the day when teens watch, including programs on network and independent stations, and asked each boy to indicate how many episodes of each program he had seen in the last four weeks (in the case of weekly shows) or the last two weeks (in the case of daily, Monday through Friday shows). In addition, the boys had to indicate whether or not they had viewed each of about ten movies sampled from movies televised during a recent two-week period.[17] From these answers an index of amount of exposure to television in the four-week period was constructed.[18]

Using this information, an important additional step was taken. Broadcast Advertisers Reports, Inc., publishes regular reports detailing for each commercial, its length, time at which aired, station or network airing it, and product title.[19] These data made it possible to construct an index of exposure to proprietary drug commercials on TV: we tallied the number of seconds of advertising for any ingested proprietary drug[20] advertised on all listed programs—except movies—during the viewing period covered by each wave.[21] A drug advertising exposure index was then constructed by crediting a boy who saw the program four times in this period with the full number of advertising seconds, one who saw only three programs with ¾ths, two with one half, and so on, and finally summing these drug commercial exposure credits across all programs seen. The result is an index for each boy of the total number of seconds of advertising for ingested drugs he could have watched. Although seeing the program is not a guarantee of seeing the commercial,[29] what follows is evidence that this drug exposure measure is to some degree a valid index of actual perception of over-the-counter drug advertising on TV, and also, that it is a better indicator of such perception than a television exposure measure which does not utilize drug commercial information.

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[17] In Wave I programs were selected according to a stratified random procedure. Beginning in Wave II, the program selection was made purposely to facilitate more accurate comparisons of viewing data across cities and waves.

High rank-order correlations between our data for viewing of programs and those of the television rating services show that the measure produced reasonably accurate data of teens' viewing of the various kinds of programs.

To increase the validity of the data, the measure included a number of non-existent "dummy" shows. Respondents who claimed viewing of these are presumably less valid reporters of their TV viewing than are those who did not claim such viewing.

In this paper, when analyses cover less than all five waves, we excluded respondents who marked any "dummy" shows from tabulations involving drug advertising data (N=43 or 11% of those involved in analysis of Wave I and II combined). In analyses covering all five waves, we included respondents who marked only one "dummy" in only one wave and indicated seeing it only once. Those who claimed seeing more dummies than this were excluded from five-wave analysis (N=22 or 7% of those involved in this analysis).

[18] The following steps were taken to convert the television information into an exposure index. Since the objective was to classify boys by their "hours of exposure" to programs containing drug advertising, the reported frequency of viewing during the last four weeks of each weekly show was multiplied by its duration, hour shows counting twice as much as half-hour shows. A similar procedure was followed for daily (Monday through Friday) shows. The reported frequency of viewing daily shows during the last two weeks was multiplied by their duration and that score was doubled to make it comparable with the weekly shows' score which was based on a four-week period. The scale for the number of daily shows seen in the last two weeks includes 0, 1–2 (bottom categories) to 9–10 (top category) with three categories in between, but respondents who marked "9–10" shows were credited only with the value "eight" for the two-week period. This adjustment for daily shows was made because comparisons with ratings indicate that many respondents who marked the highest value for a show may not have actually watched it every time it was televised. This presents a particular problem for daily shows, because of the weighting procedure described above. Since viewing reports for daily shows are multiplied to standardize them to a monthly basis, even minor response biases are magnified out of proportion. The adjustments corrects this and makes reports for daily shows comparable with the data on viewing of other programs. (More detailed accounts of these findings will be available upon completion of NBC's main study.)

The movie information was standardized to represent hours of exposure in a four-week period and added to the program exposure index.

[19] BAR reports nationally broadcast network commercials and locally aired "spot" commercials in separate reports. The national report details commercials on every program on every day. The local reports (one for each "TV market" are based on one sample week per month.

[20] We included commercials for more than 40 ingested drugs of the following types: headache, cold, sinus, arthritis medicines, sleep aids, throat lozenges, antacids and related upset stomach remedies, and additionally, "Geritol," and "Nikoban."

We excluded such preparations as ointments, powders, mouthwashes, eye drops, and shampoos, all of which are applied externally only. This decision steamed from our feeling that the primary focus of the public concern was advertising provoking "pill popping," which implies ingestion. A listing of the drug commercials which were considered is available upon request.

[21] We excluded movies from our drug exposure measure in this paper, because the movie questions were in a somewhat different form than were the questions about TV series (see p. 5 above). We felt that this difference made questionable adding the movie data into the drug exposure measure.

However, to make sure our exclusion of movies did not lead to results different from those obtained with a measure which includes movies, we did the same analysis with a measure including movies. We found that all the basic relationships reported in the paper remained essentially the same when using the drug exposure measure which included movies.

VALIDITY OF THE DRUG EXPOSURE MEASURE

The Wave II questionnaire (November, 1970) listed five proprietary drugs—Nyquil, Cope, Compoz, Aspirin, and Sominex—and each boy was asked to select from a set of categories what effects each drug had. Five possibilities were listed for each drug, together with an "I'm not sure" category. What might be called a "claimed knowledge" measure was constructed utilizing this question—the number of the five drugs a boy thought he knew the effects of—ranging from the "know it all" 's who scored five, to the self-professed ignorant ones, who scored zero.

This "knowledge" variable can be used to provide a test of the validity of the drug exposure measure and its possible superiority over a measure which simply indicates general level of TV exposure. Even though knowledge of proprietary drugs can come from many sources other than TV—their own use, use in the home by other family members, ads in other media—there should be some relationship between drug exposure and claimed knowledge. And the two variables are, in fact, weekly related (Tau B=.12***, N=331).[30] However, we find a relationship of similar strength between claimed knowledge and the amount

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[29] A number of steps were taken to increase the probability that the commercials included in the index had actually been watched. They were necessitated by the nature of the data, the programming, and viewing situations. These factors and the steps taken to improve the quality of the measure are as follows: (1) Since the exposure measure is based on information about programs seen—not time periods of viewing—we do not know whether the respondent watched before and/or after the program. Consequently, we excluded commercials broadcast between shows. (2) The drug exposure measure is generally based on four broadcasts in a specific four-week period. If more than two episodes of a network program were pre-empted within that sample period, commercials aired on that show in adjacent weeks were counted in addition to those within the same period. In this fashion, the commercial score for the program was believed to be more representative than a score based on two or even one broadcast only. A similar problem occurs in the case of one-a-week local programs: BAR provides only one listing for such shows. Again, to base our four-week measure on more representative data, the commercial score was based on reports from the sample month and adjacent months. (3) An exception to the regular computation procedure was made in the case of the "Tonight Show" to increase the validity of the measure: generally, teens who report viewing of the "Tonight Show" can hardly be expected to have watched the whole show, because it is aired late at night. Again, to increase the likelihood that commercials counted in the drug advertising measure were actually seen by viewers of the program, only commercials (including local commercials) placed in the first half of the "Tonight Show" were counted.

Two other exceptions to the usual computation procedures were caused by the data available to us. In the first wave all three evening network news programs were combined in the listing. The commercial score for these shows was obtained by averaging the number of commercails on the three newscasts. The same procedure was followed for local 10 o'clock news where no distinctions according to channel were made in any wave. The second exception involved prime time network shows of more than 30 minutes which are interrupted by one or more "station breaks" during which local commercials are aired. BAR lists those local commercials for only one sample week per month. We felt that this did not represent sufficient information to warrant inclusion in our four-week measure.

[30] This table is not presented in order to avoid redundancy. Others will be referred to but not presented for the same reason. Any such tables are available upon request.

The measure of association used in this and the following analyses is Tau B (or, if the table is not symmetrical, Tau C).

As detailed earlier (footnotes 18 and 22), the characteristics of the measure of exposure to drug commercials give it the power of an ordinal rather than an interval scale. The same is true of the measures of proprietary and illicit drug use since all variables are wholly or partially based on ordinal scales. The appropriate measure of association for two ordinal variables is Tau B. A complete description of this measure of association may be found in Theodore W. Anderson and Morris Zelditch, Jr., *A Basic Course in Statistics*, second edition (New York: Holt, Rinehart and Winston, Inc., 1968) pp. 142–160.

Wherever we report the size of Tau, we also indicate the level of significance of the Tau through the following conventions:

Wherever we report the size of Tau, we also indicate the level of significance of the Tau through the following conventions:

*=significant at the .05 level
**=significant at the .01 level
***=significant at the .001 level
N.S.=not significant

The use of tests of significance are strictly speaking inappropriate since we do not have a pure random probability sample. Nevertheless, we report significance tests throughout, and caution the reader to use them, as we did for heuristic purposes only.

of boys' television exposure, regardless of drug commercial content. Therefore, from this analysis alone it is not clear whether there is any difference between these two measures of exposure.

We examined our data to further test the validity of the drug exposure measure and also its possible superiority over the television exposure measure. Some advertising research shows that when interest and attention are low—as can safely be assumed is the case with teens and drug commercials on TV [24]—highly educated respondents are more likely to recall commercial messages than are those whose education is low.[25] Amount of education does not vary much in our sample, but measured IQ does—and that variable can serve as a substitute. If exposure does lead to knowledge, the two should be more highly related among high IQ respondents than among low IQ respondents. When this expectation was tested the predicted specification was found: the data show that the relationship between the drug exposure measure and claimed knowledge exists only among high IQ boys (Tau B=.18***, N=190) and not among low IQ boys (Tau B=.04$^{N.S.}$, N=117).

However, the same specification is found when the relationship between the amount of television viewed and claimed knowledge is examined (Tau B=.13***, N=190) for high IQ, .03$^{N.S.}$ for low IQ, N=117), although it is not quite as pronounced.

Although the relationship between claimed knowledge and drug exposure is somewhat larger than the relationship between claimed knowledge and total television exposure for high IQ boys, it is not sufficiently larger to prove that drug exposure is a more valid indicator of exposure to such commercials than the simple measure of sheer amount of television viewing.

Another test is possible. How does each exposure measure relate to claimed knowledge when the other exposure measure is statistically controlled? If the relationship with one measure is stronger than with the other, this would suggest that that measure is a better one.

We find that, in spite of the fact that proprietary drug exposure and TV exposure are very highly correlated (Tau B=.76***, N=331) the relationship between knowledge and drug exposure—when TV exposure is statistically controlled (partial Tau B=.13, N=331)[26]—is considerably higher than for the reverse situation, i.e., the relationship between knowledge and TV exposure when drug exposure is statistically controlled (partial Tau B=−.02, N=331). This seems to indicate that our drug exposure measure is telling us something about actual exposure to drug commercials, while the straight TV exposure measure is not. It thus appears that the construction of the drug exposure index is indeed an important improvement for the purposes of the analysis to follow and is a reasonably useful measure of actual perception of drug commercials.

Now, let us turn to the substantive issues. We will first report our findings about the existence of direct links—one between exposure to drug advertising on television and use of proprietary drugs, and one between such exposure and use of illicit drugs. Then, the report will turn to an investigation of indirect links between the exposure measure and use of illicit drugs.

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[24] Scott Ward, "Effects of Television Advertising on Children and Adolescents," in E. A. Rubinstein, G. A. Comstock, and J. P. Murray (eds.), *Television and Social Behavior: A Technical Report to the Surgeon General's Scientific Advisory Committee on Television and Social Behavior* (Rockville, Md.: National Institute of Mental Health, 1972) DHEW Publication No. HSM 72-9059, Vol. IV, pp. 432–451.

[25] One study, for example, shows that compared with respondents with higher education, adults with grade school education were significantly less likely to recall the video portion of a commercial when they heard the soundtrack alone. See Thomas E. Coffin and Sam Tuchman, "TV Without Pix—a New Kind of Radio," *Media/Scope*, February 1968, pp. 46–50.

[26] We report partial Tau's in this and in other analysis (page 14). The partial Tau is computed on second order data and should be distinguished from analyses of third order data where Tau's are computed on the cross tabular subtables which result from simultaneously controlling a two-variable relationship by other variables.

The formula for obtaining a partial Tau is the same as that used to obtain partial product moment correlations, except that individual Tau's rather than product moment correlations are used. The formula is:

$$\mathrm{Tau}_{xy.z} = \frac{\mathrm{Tau}_{xy}\mathrm{Tau}_{xz}\mathrm{Tau}_{yz}}{\sqrt{(1-\mathrm{Tau}_{xz}^2)(1-\mathrm{Tau}_{yz}^2)}}$$

Op. cit., Anderson and Zelditch, p. 179.

We do not report the significance of partial Tau's here or in the other analysis where it is used (page 14) because to the best of our knowledge there is no test of significance for this measure.

DRUG ADVERTISING EXPOSURE AND PROPRIETARY DRUG USE

A direct link between TV advertising and use of proprietary drugs can be examined in two of our study waves—II and V. In Wave II boys were asked about use of five proprietary drugs: Nyquil, Cope, Compoz, Aspirin, and Sominex. The measure of use is simply the number of these drugs a boy reports he has taken in the past. Note that so-called "mood altering" or "psychoactive" drugs[27] are included in the list. In Wave V we asked about more drugs: 1) Alka Seltzer, 2) Anacin, Bufferin, or Excedrin, 3) Aspirin, 4) Contac or Dristan, 5) Nyquil, and 6) Sominex.[28] In addition questions about frequency of use were asked. Consequently, the measure of proprietary drug use for Wave V weights the reported frequency of use for each drug and adds these together.[29]

The report uses cumulative measures of exposure to drug advertising because we feel this is more representative of the total amount of drug advertising to which the boys were exposed than a measure using any one wave. Thus each boy's drug advertising exposure scores in both Waves I and II were added together for the Wave II analysis, and Waves I through V for the analysis of proprietary drug use in Wave V.

Table 1 shows the relationship between cumulative drug advertising exposure and proprietary drug use for both Wave II in Part A, and Wave V in Part B. In both cases, there is a weak relationship (and special analyses of sample dropouts and new recruits suggest that the relationship is even weaker than appears in Table 1 A and B) :[30] those with higher exposure seem to use more of these proprietary drugs than do those with lower exposure.

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[27] For use of these or very similar terms see *Broadcasting*, Feb. 26, 1973, Vol. 84, No. 9, p. 21, and *op. cit., Drug Use in America*, Second Report, pp. 22–23, 50.

[28] The drugs were selected to cover all the kinds of drugs which are heavily advertised on TV. According to BAR/TVB data published in *Television/Radio Age*, Apr. 2, 1973, p. 21, based on total TV expenditures in 1972, drugs were rank ordered as follows: 1. Anacin, 2. Bayer Aspirin, 3. Alka Seltzer, 4. Dristan, 5. Bufferin, 6. Excedrin, 7. Geritol, 8. Contac, 9. Phillips Milk of Magnesia, and 10. Pepto-Bismol.

Because of limited space, not all of these drugs were included. On the other hand, Nyquil and Sominex (ranked 12 and 13) were included since they are closest to "mood altering" drugs and might be considered as such by some viewers.

The "mood altering" drugs, Cope and Compoz, part of the Wave II measure, were not included in Wave V since there was practically no TV advertising for these products then. The decrease was probably related to new NAB (National Association of Broadcasters) rules (effective Sept. 1, 1973) which prohibit the showing of "mood altering" effects of drugs in commercials (see *op. cit., Broadcasting*, p. 21ff.)

[29] Using a drug "many times" received a weight of 4, "several times" a weight of 2, "once or twice" a weight of 1, and "never" a weight of 0.

[30] Because of our sampling procedures and because of the panel feature of our study we took special care to test these and other findings for any bias from two sources: sample dropouts and new recruits.

The panel feature of our study resulted in some boys dropping out of our sample after the first wave. Of our initial sample of 403 boys, 74 percent were present in all five waves while 26 percent missed one or more waves after the first. Since this 26 percent was absent from tabulations in which all five waves of data were used, the question arises whether the results of such tabulations would have been the same had the dropouts been present. This is always a problem in panel studies since dropouts are usually different from those who remain. In this case, we found that dropouts were more likely than those who remained to be black, lower in SES, and to come from homes not having the boy's natural mother and natural father. They also had lower school grade average and scored lower on standard school tests of intelligence or achievement.

The second group whose possible biasing effects concerned us were new recruits. Due to immigration into our sample of 6th graders from a separate elementary school sample we were also studying, and due to special efforts we made in Wave II to supplement our initial sample, there were 418 boys who were not in Wave I but were in at least one subsequent measurement wave. New recruits also differed from our five wave sample, so we wanted to examine whether our results would hold among them.

We investigated the possibility of bias introduced by these two types of boys in the following way.

Many of the boys not present in all five waves—both dropouts and new recruits—were available in one or more waves in which information about TV exposure and use of proprietary or illicit drugs was obtained. We could, therefore, examine comparable relationships among many of the dropouts and new recruits. Those relationships, then, were assumed to be close to the relationships among all dropouts and new recruits. This seemed to be a reasonable assumption since a large proportion of these boys were present in the waves in which we obtained the data analyzed here.

On the basis of these data and taking the relative sizes of the groups into account we then estimated the effect all dropouts and new recruits might have had on the overall relationship.

Before these analyses were conducted one additional aspect had to be considered. To assess the impact of dropouts and new recruits who are by definition not present in all waves, it was usually not possible to use cumulative drug advertising exposure as in Table 1A and B. (The exceptions are some dropouts who are present in Waves I and II and can therefore be analyzed in the same way as in Table 1A.) The comparisons between findings therefore assume that drug advertising exposure in Wave II or Wave V only are similar in impact to cumulative drug advertising exposure in Waves I and II.

(Continued)

(Our analyses were based on cross-tabulations of variables with four to six categories. For ease of presentation collapsed versions of these are shown in the tables. In all cases, the Tau's for the larger cross-tabulations and the number of categories for each variable are also presented so that the reader can compare the presented tables with the overall results as indicated by the Tau's.)

TABLE 1-A AND B.—USE OF PROPRIETARY DRUGS IN WAVE II AND WAVE V, BY CUMULATIVE DRUG ADVERTISING EXPOSURE

	Low	Medium	High
Cumulative drug advertising exposure waves I and II:			
A. Wave II—Tau B=0.07 (6×6):[1]			
Number of proprietary drugs used in wave II:			
0 or 1 (percent)	63	56	54
2 or more (percent)	37	44	46
Total (percent)	100	100	100
Number of cases	119	111	101
Cumulative drug advertising exposure waves I through V:			
B. Wave V—Tau C=0.12 (4×6):[1]			
Extent of proprietary drug use in wave V:			
Low (percent)	69	66	49
High (percent)	31	34	51
Total (percent)	100	100	100
Number of cases	96	90	89

[1] In all tables the Tau's represent the overall degree of association in a tabulation of the dimensions specified in the parentheses (in these cases 6 cell by 6 cell in pt. A and 4 cell in pt. B).

This relation is not uniform in sample subgroups, appearing stronger under some conditions and weaker, or even disappearing, under others. For example, it is stronger where there are many proprietary drugs around the house (Tau C=.16***, N=168) than where there are few (Tau C=−.01$^{N.S.}$, N=107), but *not* stronger where the boys themselves initiate drug taking—either by taking drugs themselves or by asking their mothers for them—(Tau C=.11**, N=196) than where the mothers initiate dispensing the drugs to the children (Tau C=.23**, N=58).

(Note: 19 boys are not included in these figures; 3 of them obtained drugs in "some other way" and 16 did not take any drugs.)

That the relationship is stronger where there are drugs around the home is consistent with the notion that TV is playing a causal role in the use of proprietary drugs. We would expect TV commercials to be more effective where there are facilitative conditions. But that the relationship is not stronger among

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(Continued)

Analysis of Table 1A and B:

Dropouts. In Table 1A the overall Tau was .07** (N=331). This Figure includes 63 of the 103 dropouts who had not yet dropped out, as well as 265 of the boys present in all five waves. (Three boys included in Table 1A are excluded from this analysis because they become less valid reporters of their TV viewing after Wave II.) The Tau among the 63 dropouts was −.01. N.S., while the Tau for the 265 present in all five waves was .10**. If we assume that the relationship among the 37 dropouts not present in Table 1A was the same as for the 63 (i.e., −.01) and then add these 37 to the 331 respondents in Table 1A, the Tau we obtained would probably be lowered slightly. The relationship between drug advertising exposure in Wave V only (cumulative exposure as in Table 1B cannot be used) and proprietary drug use for the 274 boys present in all waves was Tau C=.16***, while among the 19 dropouts for whom information is available it was .10 N.S. Again if we added all dropouts to those present in all five waves the relationship would drop very slightly but remain positive nevertheless.

New recruits. We found that among 175 new recruits in Wave II use of proprietary drugs and drug advertising exposure in Wave II only were negatively related (Tau B=−.09*). Thus, we must conclude that the new recruits would weaken the relationship reported in Table 1A. In Wave V the relationship between drug advertising exposure (Wave V only) and proprietary drug use was Tau C=.04 N.S. for about 75% of the 418 new recruits (N=304). If that relationship existed among all new recruits and we combined them with dropouts among whom the relationship was .10, and with those in all waves where the relationship was .16, the resultant relationship for all respondents almost certainly would be a small positive one similar to that which we report.

Taken all together, the analyses suggest that the absence of both dropouts and new recruits from Table 1A and B has resulted in relationships very slightly stronger than they would be could such boys have been included.

boys who report they initiate drug taking is consistent with the notion that TV is playing a causal role. Were TV a direct factor, we would expect the relationship to be stronger among those boys who initiate drug taking. These results and some others argue that the question of the precise meaning of the observed relationship between drug exposure and proprietary drug use should be left open for further study.

DRUG ADVERTISING EXPOSURE AND ILLICIT DRUG USE

Now we turn to a more critical question—the one about which there is considerable concern. If drug advertising exposure might lead to taking proprietary drugs, might it also lead to taking illicit drugs?

The most detailed questions about illicit drug use were asked in our last wave, Wave V, so the focus is on these. Questions were asked about a number of drugs separately, how many times in the last four weeks the boys had used each: marijuana, amphetamines, baribiturates, heroin or cocaine, LSD, or any other drug "which can get you high or change the way your mind works" and questions were also asked, again for each, when the last time was that they had used them. Marijuana was, of course, mentioned most often, and, in virtually all cases, those who used other drugs also used marijuana.[21]

Two measures of illicit drug use were constructed for this paper—one indicating recency and frequency of use of marijuana, and one indicating use of other less popular drugs as well.

The next Table (2) shows the relationship between cumulative drug advertising exposure over the five waves and current use of marijuana as of Wave V. It is clear from this table that, whereas there was a positive relationship between drug exposure and use of proprietary drugs, and whereas the concern in that TV commercials lead to more use of illicit drugs, it turns out that the relationship between exposure and use of marijuana is actually negative.

Similar results occur when use of marijuana and other illicit drugs is examined: the higher the TV advertising exposure the less are these illicit drugs used.[22]

A negative relationship was found in two other studies, as yet unpublished, by Kandel and by Hulbert, while a third published study, by Brodlie, reports a positive relationship. The finding in the latter study is not conclusive, however.[23]

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[21] The Marijuana Commission reported:

". . . Lastly, although almost all past or present users of hallucinogens, amphetamines, barbiturates and the opiates have used marijuana as well as tobacco and alcohol most marijuana users do *not* escalate or progress to multi-drug use or to use of more dangerous drugs." *Op. cit.*, *Drug Use in America*, Second Report, p. 93.

While our data supports this findings that most marijuana users did not become regular users of other drugs, we did find in Wave V (three years after the study's start) that six of the 18 boys who had used only marijuana in Wave I had used some other drug in the last three months.

While these findings disprove the thesis that marijuana use invariably leads to hard drug use, they do not rule out the hypothesis that marijuana use increases the probability of using hard drugs.

[22] The negative relationship between illicit drug use and drug exposure also exists among dropouts, and new recruits.

The relationship between exposure to drug advertising in Wave V and current use of marijuana was Tau C=−.25* (N=21) for dropouts and Tau C=−.13*** (N=308) for new recruits. Since there were very few dropouts in Wave V, we checked to see whether there was a negative relationship for dropouts at other points in time when more of them were present. We found a negative relationship among them between cumulative drug exposure, Waves I and II, and use of marijuana in Wave II (Tau C=−.21**, N=63) as well as between cumulative drug exposure Waves I, II, and III and use of marijuana in Wave III (Tau C=−.43***, N=46).

The Tau C expressing the relationship between drug exposure in Wave V and use of other illicit drugs was −.28* (N=20) for dropouts and −.12*** (N=320) for new recruits.

[23] The Kandel study is of a representative sample of 8,206 New York State secondary school children. In a tabulation run at our request, the data show that 74 percent of those who watched TV daily never used marijuana as compared to 60 percent of those who watch TV less often. (Tau C=−.10***, N=7,455). Source: Study on adolescent drug use, fall 1971; Denise Kandel, Principal Investigator.

The Hulbert study also found a negative relationship between the amount of weekend television viewing and the use of marijuana, barbiturates, LSD, and cocaine.

No relationship was found in that study between the amount of weekday TV viewing and use of illicit drugs. A positive relationship was found between use of marijuana and "brand recall" and "drug recall" measures. However, it is not clear from the paper whether these measures indicate exposure to TV or are rather measures of IQ or interest in drugs. Hulbert concludes that "the overall pattern of results suggest that television and television advertising are generally not factors linked to usage of illicit drugs." *Op. cit.*, Hulbert, pp. 5–8.

(Continued)

TABLE 2.—CURRENT USE OF MARIHUANA IN WAVE V BY CUMULATIVE DRUG ADVERTISING EXPOSURE, WAVES I THROUGH V

	Cumulative drug advertising exposure waves I through V		
	Low	Medium	High
Use of marihuana in last 4 weeks (wave V)[1]—Tau C=0.15 (5×6):[2]			
No (percent)	53	57	69
Yes (percent)	47	43	31
Total	100	100	100
Number of cases	97	91	88

[1] Marihuana use is based on an index with the following categories: (1) never used, (2) used in the past but not in the last 4 weeks, (3) low use in the last 4 weeks (1 to 3 times), (4) medium use in the last 4 weeks (4 to 9 times), (5) high use in the last 4 weeks (10 or more times).

[2] In all tables the Tau's represent the overall degree of association in a tabulation of the dimensions specified in the parentheses.

Although Table 2 makes use of exposure information collected over a three year period, the format is, strictly speaking, cross-sectional. But as reported earlier, each measurement period revealed new increases in drug use. Because of this panel feature, we were able to examine television's possible role in inducing new users in each wave. Here, only non-users in each wave were examined, and the question was asked whether exposure to drug advertising on television up to that point in time is positively related to trying illicit drugs for the first time by the next wave. The data were tabulated so as to reveal whether, for example, cumulative exposure to television drug advertising up to Wave IV was positively related to *new* use of marijuana and other illicit drugs in Wave V. In three separate tests, examining new users in Waves II, III, and V, the same negative relationship as in the cross-sectional Figure III was found: the more one is exposed to drug advertising, the less likely one is to become a new user later on. (In one test, that of new users in Wave IV, no relationship at all was found.) This implies, of course, that the less one is exposed to drug advertising, the more likely one is to become a new user later on. (We will return to this issue in a different context below.)

Since drug advertising exposure and total amount of viewing are highly related (Tau B=.76***, N=331), we also tested the possibility that the effect of drug advertising is obscured by the fact that drug users watch less television generally. Further, there is also the possibility that drug advertising affects only a specific viewer group, e.g., high viewers.

The first issue was addressed by partialling out the effects of amount of TV viewing (utilizing our "total TV exposure" measure, cumulative over five waves). When this was done, the relationship between marijuana use and exposure to drug advertising dropped, but remained negative (partial Tau C=—.06, N=275).[34] This suggests that the amount of TV viewing may not fully account for the negative relationship.

(Continued)

As indicated above (see footnotes 10 and 11), a study of Brodlie found that TV viewing among fairly heavy drug users was greater than among two non-drug-using groups. There is reason to keep the interpretation of this result open, however, because of the following limitations of the study:

(1) The study used a small sample of respondents: 50 drug using subjects and two non-drug using comparison groups of 50 and 27 respondents. Individuals were not randomly assigned to the groups, nor is any attempt to match groups reported.

(2) The drug users were being treated by professionals (i.e., psychiatrists, psychologists, etc.) and were rather heavy users of drugs. Both factors make them a very atypical group of drug users.

(3) The validity of the data on TV viewing is questionable: questions were asked about viewing several years prior to the interview and these apparently summarized a relatively long period of time (e.g., elementary school years).

(4) Aside from the above methodological problems, the possibility that the findings are spurious and due to other factors is not examined.

As the author himself stated, "The above evidence that the type of drug abuser studied here tended to view television more than a control group not involved with drug abuse and a control group of mixed pathology cannot be interpreted as providing or even implying a cause and effect relationship. Many intermediary factors could explain the relationship between television viewing and drug abuse." *Op. cit.*, Brodlie, no pages.

[34] For the explanation of partial Tau's and the reason for not reporting the significance of it, see footnote 26.

The specification issue was addressed by examining subgroups with different viewing levels. Again we found no indications of an effect of drug advertising. The Tau's expressing the relationship between television drug advertising exposure and current use of marijuana for Low, Medium, and High TV viewers (based on cumulative total TV exposure scores) was $-.06^{N.S.}$ ($N=98$), $-.16^{**}$ ($N=94$), and $.02^{N.S.}$ ($N=83$) respectively.

Our search for subgroups in which the relationship might be positive led us to control for many other variables, including city, age, race, I.Q., socio-economic status, relations with parents, grade average in school, attitudes about drug use, and friends' use of drugs. No subgroups were found in which the relationship between drug exposure and illicit drug use is positive.

Next the analysis undertook the task of explaining the negative relationship. We investigated a number of possible explanations. One was that drug users have a different life style or have different values which somehow result in less television viewing. And, in fact, we found a number of "life style" and value indicators which were associated with drug use in a manner found by other studies and in an opposite direction with watching TV. For example, compared to other boys, both those who use illicit drugs and those who watch less TV: a) have more friends who use illicit drugs, b) are more likely to think it is morally right to smoke marijuana, c) are more distant from their parents, and d) are less religious, and e) are more likely to get drunk occasionally.[35]

However, none of these account for the negative relationship. When each factor was controlled, the original negative relationship remained. Overall, these five controls yielded 16 partialed cross-tabulations of which eight were negative and statistically significant. Of the remaining eight partials, 6 were also negative but not statistically significant, one was zero and one was slightly positive but not statistically significant. There was at least one negative relationship which was statisically significant in a subtable for each control variable.

Although having friends who use illicit drugs by itself did not explain the relationship, we hypothesized that since peer ties are an important factor among teenagers, involvement with friends who use such drugs might explain the relationship. This type of involvement could result in both using illicit drugs and watching less TV. To test this hypothesis, we used as controls a number of different measures and combinations of these which formed indices of attachment to friends, together with measures of friends' involvement with illicit drugs. The measures and indices of attachment to friends included: amount of time spent with friends as reported in different waves, commitment to a peer group and number of boy friends and girl friends with whom the respondent interacts.

This analysis used four different pairs of controls which resulted in 38 partialed cross-tabulations. The relationship remained negative in 33 of these, of which nine, and at least one for every pair of controls, were statistically significant. In ten other partialed cross-tabulations, the negative relationships were at least as large as the original one but, as a result of small sample sizes, were not statistically significant. In no partial was there a statistically significant positive relationship.

We must therefore conclude that peer ties do not account for the negative relationship between exposure to drug advertising and illicit drug use.

We also hypothesized that drug users might be more involved than nonusers in certain activities which might directly compete with TV viewing and thereby result in their viewing less TV. The activities we investigated were movie-going, listening to music and working at a job. The first two activities were positively related to drug use but not to TV exposure while working at a job was unrelated to both. Since none of these were related to both TV viewing and drug use they could not possibly explain the original relationship.

We investigated whether drug users watched less television simply because they liked to watch television less. Indeed, drug users do report less liking of television. However, when liking is held constant, the negative relationship between exposure and illicit drug use remains.[36] In all three partialed cross-tabulations under this control, the negative relationship remained statistically significant.

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[35] Other studies have also found all of these variables (or those very similar to them) related to illicit drug use. See Lloyd Johnston, *Drugs and American Youth* (Ann Arbor, Mich.: Institute for Social Research, 1973); Richard Jessor, Shirley L. Jessor, and John Finney, "A Social Psychology of Marijuana Use: Longitudinal Studies of High School and College Youth," *Journal of Personality and Social Psychology*, 1973, Vol. 26, No. 1, pp. 1–15; Richard H. Blum and Associates, *Students and Drugs, Volume II: College and High School Observations* (San Francisco: Jossey-Bass Inc., 1969); and Denise Kandel, "Adolescent Marihuana Use: Role of Parents and Peers," *Science*, Sept. 14, 1973, Vol. 181, No. 4104, pp. 1067–1070.

We found a number of aspects of boys' family situations which were associated both with low television viewing and illicit drug use. Thus, mothers of drug users and of those who watch little TV a) are less satisfied with their sons, b) drink alcohol more often, and c) are more likely to think marijuana use is morally right. However, once again these variables did not explain the relationship. In all the partialed cross-tabulations produced by this analysis the relationship remained negative, and a majority were statistically significant under each control.

Another explanation we investigated was that drug use itself causes less TV viewing either because it causes a loss of interest in TV or because time spent using drugs is not available for TV viewing.[37]

We tested this hypothesis by comparing change in drug advertising exposure levels of marijuana users, before to after they started using the drug, with the change in exposure levels during the same periods of those who never used marijuana during the course of the study.[38] If drugs use leads to less TV watching; we would expect to find that drug exposure would decrease more among those who started using the drug than among those who did not. It was possible to compare four separate starter groups with the group who never used drugs since we had before and after viewing information on new users by Waves II, III, IV, and V.

The findings did not support the hypothesis that drug use leads to a drop in viewing and therefore the overall negative relationship cannot be accounted for in this way.[39] New drug users are in fact less exposed to drug advertising after they begin using. But, they were also less exposed before.

This analysis confirms a finding reported previously in a different context (p. 14), namely that compared to those who never used marijuana throughout the five waves, those who began to use the drug showed lower drug exposure levels prior to drug use: user's viewing was more than 20 percent below non-users in three comparisons (new users by Wave II, III, and V), and 6 percent below in the fourth comparison (new users by Wave IV).[40] Thus the negative relationship is in part accounted for by lower general levels of TV viewing *before* experimentation with drugs begins. This suggests that low television viewing may be a part of a syndrome of early behavior which later turns-out to include use of illicit drugs.

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[36] The indicator of how much respondents liked TV was a relatively weak one since it was a single question asked in an early wave. It is therefore possible that a more powerful measure of this dimension would explain the relationship.

[37] For example, Hulbert states that the negative relationship between TV exposure and drug use is "probably best explained by a distribution-of-time hypothesis . . . those students who are sitting around watching television on weekends are not likely to be using 'hard' drugs." *Op. cit.*, Hulbert, p. 8.

[38] Comparing those who start using drugs during the course of the study with those who never start during the same period of time is the purest comparison possible. Including those who start use at a later point in time (or have used the drug earlier) in the comparison group confounds the analysis since the "after" TV exposure levels of such groups would be a mixture of both non-starters' and starters' viewing.

[39] We analyzed the data in several ways. First, we averaged the "before" and "after" drug advertising exposure scores and compared those of new users by Waves II, III, IV, and V with the non-users. (A test with users by Wave I is not possible since exposure data prior to their drug use are not available. In all cases exposure data from the wave where drug use was first reported are classified as "after.") In each test the new user before and after scores were compared with non-user scores based on the same waves. (E.g., for new users by Wave II, "before" scores were the sum of Wave I and Wave II scores, "after" scores were combined Waves III–V scores, for both new users and non-users.)

In two of the four comparisons (new users by Wave III and by Wave IV) there was no difference between the before and after scores compared with non-users. There was a difference—in the predicted direction—for new users by Wave II and Wave V. (In one case the users dropped very little while non-users increased, and in the other case users dropped more than non-users.) These differences were judged inconclusive because of the small size of the groups involved (N=19 and 20 new users, respectively), and also because—unlike the two non-difference tests—the before exposure values for new users by Wave II and the after exposure values for new users by Wave V are based on only one wave of viewing measurement, which probably makes them less reliable than the multi-wave averages used in the other two tests.

We also plotted the drug advertising scores of all groups in all waves to see if this would reveal a sudden drop or a steady decline in scores for new users after their initial use of drugs. In all four instances no pattern indicating lower scores as a result of drug use were detected.

Finally, since the drug advertising exposure measure is based on a smaller sample of shows than our television exposure measure and since it might distort this analysis in some unknown way, we also investigated viewing trends based on the television exposure measure. Again, no support was found for the hypothesis that viewing declines after drug use begins.

All tables are available upon request.

Researchers have from the beginning been concerned about heavy television viewing among children. For example, Himmelweit, then Schramm, *et al.*, and, more recently, Lyle, all devote much more attention to describing heavy viewers than light viewers. In fact, in the indexes of the Himmelweit and Schramm works, one can find numerous listings under "heavy television viewers," but "light television viewers" never even appears.[41] The results reported here suggest that light viewers may be worthy of more research attention in the future.

In any case, although much of the negative relation between drug exposure and illicit drug use results from the fact that drug users tend to be light viewers before beginning to use drugs, we have not succeeded yet in determining why this is so. Clearly more research is needed on this specific issue.

Whatever might turn out to account for the negative relationship, it would seem that television is not a factor leading directly to illicit drug use. But there are other possibilities: although a direct mechanism may not be at work, there may be indirect mechanisms linking drug advertising exposure and illicit drug use.

INDIRECT LINKS BETWEEN DRUG ADVERTISING EXPOSURE AND ILLICIT DRUG USE

One possible mechanism is that drug advertising leads to use of proprietary drugs and this, in turn, leads to the use of illicit drugs. We have just seen that the first link in this chain may exist (See Figure II). However, the data do not reveal the existence of the second and more crucial link either cross-sectionally or over time. Cross-sectional relationships were examined—in Waves II and V, the only waves in which information about use of both types of drugs, proprietary, and illicit, were available. For the overtime analysis, an examination was made of illicit drug use in Waves II, IV, and V among those who were heavy users of proprietary drugs in Wave II, compared to those who were light users at that earlier time. In all analyses, no link at all was found[42]—no apparent tendency for those who had used more proprietary drugs to show greater use of illicit drugs that those who had used less.[43]

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[40] The mean drug advertising exposure score (in Wave I) for new users by Wave II was 21 percent lower than for non-users (79.5 vs. 100.0). The mean score (in Waves I and II) for new users by Wave III was 27 percent lower than for non-users (85.7 vs. 117.0). The mean score (in Waves I–III) for new users by Wave IV was 6 percent lower than for non-users (100.7 vs. 107.7). Finally, the mean score (in Waves I–IV) for new users by Wave V was 21 percent lower than for non-users (94.3 vs. 118.9). (Detailed tables are available upon request.)

[41] Hilde T. Himmelweit, *et al.*, *Television and the Child: An Empirical Study of the Effect of Television on the Young* (London: Oxford University Press, 1958).

Wilbur Schramm, Jack Lyle, and Edwin B. Parker, *Television in the Lives of our Children* (Stanford, California: Stanford University Press, 1961).

Jack Lyle and Heidi R. Hoffman, "Children's Use of Television and Other Media," pp. 129–256, in *op. cit.*, Rubenstein.

[42] The relationship between proprietary drug use and illicit drug use is somewhat higher for dropouts and new recruits than it is for those who were present in all five waves. However, our best estimate is that the reported relationship would not change significantly if dropouts and new recruits could be included.

Among dropouts the relationship between use of proprietary drugs and use of marijuana in Wave II was Tau C=.05 N.S. (N=75), while in Wave V, the Tau B=.26* (N=20). In Wave II, 73 percent of the dropouts were still present and therefore the Wave II Tau is probably a better estimate of what the relationship is for the entire group of dropouts than is Wave V, where only 19 percent of the dropouts were present. A weighted average of the Tau C's in Wave II and Wave V is .09, and that is the best estimate of the relationship among dropouts.

Among new recruits this relationship in Wave II was Tau C=.07 N.S. (N=150) and .08** in Wav V (N=317). We therefore assume that the relationship for all new recruits was Tau C=.08.

Finally, among those present in all five waves this relationship was Tau C=.00 N.S. (N=278) in Wave II and Tau C=−.00 N.S. (N=274) in Wave V.

Therefore, if we combine approximately 100 droupont respondents where the relationship is .09, approximately 400 new recruits where the relationship is .07, and 275 who were in five waves, where the relationship is .00, the resultant Tau is very likely to approximate .05.

In this connection it should also be noted that the relationship between TV drug advertising exposure and use of proprietary drugs among dropouts and new recruits appears to be almost non-existent, unlike this relationship among boys present in all five waves (see footnote 30). Thus, even if proprietary drug use and illicit drug use were more strongly related among dropouts and new recruits, TV's effect on illicit drug use through a possible influence on proprietary drug use would be non-existent.

Another way in which TV might indirectly affect illicit drug use is implicit in Senator Moss' statement quoted earlier. It is the idea that exposure to drug advertising on television creates on the viewers' part an acceptance of drugs as a cure-all. And once the acceptance of drugs as a cure-all is established, this, in turn, leads to illicit drug-taking. In short, there may be a mechanism between the stimulus and the response—the creation of an attitude favorable to drug-taking.

An attempt was made to determine the extent to which boys held such an attitude by including in Wave V two attitude questions intended to get at acceptance of "pill popping"—one aimed at measuring each boy's "readiness" to take proprietary drugs, and one which asks how wrong it is to take over-the-counter mood-altering drugs.

Here, the focus is on the question about readiness to take proprietary drugs, which we feel is closer to the social concern expressed by Senator Moss.[44]

The question about "readiness" and the distribution of answers to it was:

From time to time many people have things they think are wrong with them which do not require going to a doctor. And people have different ideas about when you should take common drug preparations anyone can buy without a doctor's prescription for these problems.

We would like to find out your views about this. Which of these five statements best describes how you feel about when one should take medicine for these kinds of problems.

You should take some drug preparations: (Check only one box.)

	Distribution (percent)
a. Every day to try to keep from having these kinds of problems	3
b. Whenever you feel a bit bad	11
c. Only if you feel pretty bad	40
d. Only if you feel really bad	35
e. Never	11

As can be seen from the distribution of replies, only a few checked the extremes. But it is interesting to note that the distribution reveals more reluctance about drug taking than one might expect if one believes that we are a nation of eager drug takers.[45] Boys who say one should never take drugs outnumber the extreme permissives by almost 4 to 1—11 percent said "never" to only 3 percent who said

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[43] Some studies have found a relationship between so-called psychoactive proprietary drugs and illicit drugs. A study done by the Marijuana Commission found such a relationship. They used a large list of proprietary drugs, all of which were psychoactive or "mood altering" in nature. These drugs purport to be similar to illicit drugs in their effects, which probably accounts for the positive relationship. Although most of these are not advertised on TV, we included a few (Cope, Sominex, Compoz) that were advertised. Our data show no relationship between using these few psychoactive drugs and using illicit drugs. *Op. cit., Drug Use in America*, Second Report, pp. 50–61.

The study by Hulbert also found a relationship between proprietary and illicit drug use. It is not clear from his preliminary report what proprietary drugs were included. Again, it might be that the relationship is due to the use of proprietary drugs which are similar to illicit drugs in their expected or actual effects. *Op. cit.*, Hulbert, pp. 4 and 7.

[44] In terms of relationships with other variables, the question about the "morality" of using mood altering drugs behaves like the "readiness" question with some minor differences. We also used an index composed of both of these questions which again behaves no differently than the "readiness" question.

[45] A recent paper by Parry, et al., on psychotherapeutic drug use (their term for psychoactive drugs used for therapeutic purposes) shows similar results. It indicated that 31 percent of American adults had used such drugs (either prescription or proprietary), during the year preceding the interview. The authors state, "Rather than being long-term and habitual users of prescription psychotherapeutic drugs, Americans appear to be rather conservative in their patterns of use." They also state "Over-the-counter psychotherapeutic drugs are typically used irregularly and for short periods of time." Comparing U.S. use of minor tranquilizers and sedative class prescription drugs with their use in nine European countries, they found U.S. rates to be at the average. See Hugh J. Parry, et al., "National Patterns of Psychotherapeutic Drug Use," *Arch. Gen. Psychiatry*, Vol. 28, June 1973, pp. 769–783.

In another paper, based on the same study, Balter and Levine report that rather than overuse of psychotherapeutic prescription drugs, "in terms of the incidence of high levels of psychic distress one could make a good case for the point that population needs for drug treatment are not being met." They also state "On the basis of attitudes toward use of tranquilizers, Americans would also have to be classified as conservative." See Mitchell Balter and Jerome Levine, "Character and Extent of Psychotherapeutic Drug Usage in the United States," paper presented at the Fifth World Congress on Psychiatry in Mexico City on Nov. 30, 1971, and for later publication of the proceedings in *Excerpta Medica*, "every day." And 75 percent of the replies fell into what seem to be reasonable categories—when you feel "pretty bad" or 'really bad."

Those boys who indicate more readiness to take over-the-counter drugs do in fact use them to a somewhat greater extent, as can be seen in Part A of Table 3. And what is more interesting, their readiness to take proprietary drugs is also related to their use of illicit drugs—both marijuana, in Part B, and other drugs as well, in Part C.[46]

TABLE 3 A-C.—USE OF PROPRIETARY AND ILLICIT DRUGS BY "READINESS" TO TAKE PROPRIETARY DRUGS IN WAVE V

	"Readiness" to take proprietary drugs in Wave V	
	"Less ready"	"More ready"
A. Use of proprietary drugs—Tau C=0.08 (5×4): [1]		
Extent of proprietary drug use in wave V:		
Low (percent)	61	53
High (percent)	39	47
Total (percent)	100	100
Number of cases	293	342
B. Use of marihuana—Tau B=0.17 (5×5): [1]		
Extent of use of marihuana in last 4 weeks in wave V:		
Low (percent)	84	72
High (percent)	17	28
Total (percent)	100	100
Number of cases	294	346
C. Use of marhuana and other illicit drugs—Tau B=0.15 (5×5): [1]		
Use of marihuana and other illicit drugs in last 4 weeks in wave V:		
No (percent)	90	82
Yes (percent	10	18
Total (percent)	100	100
Number of cases	296	342

[1] In all tables the Tau's represent the overall degree of association in a tabulation of the dimensions specified in the parentheses.

Even though these relationships are weak ones, the fact that readiness to take proprietary drugs is related to illicit drug use may be some cause for concern. If there is no direct link between exposure to drug advertising on television and use of hard drugs, there might be an indirect link. TV might affect the attitude of "readiness" and this, in turn, might lead to illicit drug use.

We next sought to determine whether there is any foundation to this concern. The critical question is: does exposure to drug advertising lead to increased readiness to take proprietary drugs?

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[46] The analysis of these relationships for dropouts and new recruits shows essentially the same results. If anything, the relationships reported here might have been somewhat stronger, had all dropouts and new recruits been included.

The relationship between use of proprietary drugs in Wave V and readiness to take proprietary drugs was .27* (Tau C) for dropouts. Because there were only 20 of them we cannot be certain what the true size of the relationship would be among them. However, we can assume it would remain positive. Among the new recruits, this relationship was $-.04^{\text{N.S.}}$ (Tau C). The size of this group was 317, which is over ¾ of the entire sample of new recruits. If among the remaining new recruits the relationship was also .04, adding them and the dropouts not present in Wave V to Table 3A would not substantially alter the positive relationship shown. Among those present in all five waves the relationships between proprietary drug use in Wave V and readiness to take proprietary drugs was .12** (Tau C, N=276).

With respect to Table 3B and C we also concluded that those respondents missing from these tabulations might have slightly increased the correlation had they been included. In both figures, among the groups who have some members missing from the tabulation, the relationships are somewhat higher than for those present in all five waves. In Table 3B the relationship for dropouts is .34** (Tau C, N=21), for new recruits .23*** (Tau B, N=321), and for those present in five waves .08* (Tau B, N=276). The comparable Tau's for Table 3C are: $-.12^{\text{N.S.}}$, .20***, and .08*. If we assume that among those dropouts and new recruits who are missing from the tabulations the relationships are the same as among those present and then add them to Table 3B and Table 3C the overall relationships in each figure would go up slightly.

Although we cannot be certain of the exact size of the relationship which would obtain among our entire sample, we are very certain that it would remain.

The answer, from our data, is no. (Table 4.) There is absolutely no relationship[47] between cumulative exposure to drug advertising over the three year period and our sample's reported readiness to take proprietary drugs (Tau $C=-.01^{N.S.}$, $N=277$).[48]

TABLE 4.—"READINESS" TO TAKE PROPRIETARY DRUGS IN WAVE V BY CUMULATIVE DRUG ADVERTISING EXPOSURE, WAVES I THROUGH V

	Cumulative drug advertising exposure waves I through V		
	Low	Medium	High
Readiness to take proprietary drugs in wave V—Tau C=0.01 N.S. (5×6):[1]			
Less ready (percent)	46	38	41
More ready (percent)	54	62	59
Total (percent)	100	100	100
Number of cases	96	91	90

[1] In all tables the Tau's represent the overall degree of association in a tabulation of the dimensions specified in the parentheses.

Our analysis efforts went on to attempt to determine whether we could find a relationship between drug advertising exposure and readiness to take proprietary drugs in sub-groups of our sample, in which readiness also was related to illicit drug use. We examined groups homogeneous with respect to SES, IQ, family structure, age, and other variables. So far we have not found any subgroups of our sample in which readiness is the indirect link between drug advertising exposure and illicit drug use.[49]

SUMMARY AND CONCLUSIONS

To summarize, the point of departure for this paper was an issue about which social concern has been expressed: is drug advertising on television a factor in illicit drug use? This issue was addressed with data on teenage boys, which provided information about what television programs they viewed in five separate measurement points over a three year period, their use of proprietary and illicit drugs, and an attitude of "readiness" to take drugs.

Initially, program viewing information was combined with data about the number of seconds of proprietary drug advertising appearing on each program in order to construct a measure of exposure to proprietary drug advertising on television over a three year period. It was found that this measure seemed to be tapping the perception of commercial drug message content.

In searching for direct effects of television, we found that drug advertising exposure shows a weak *positive* relationship to teens' use of *proprietary* drugs. Additionally, it shows a *negative* relationship to teens' use of *illicit* drugs—both marijuana and other drugs.

Then, in searching for indirect links between television exposure and illicit drug use, we found that although TV might lead to use of *proprietary* drugs, use of such drugs was *not* related to use of *illicit* drugs.

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[47] These findings were not basically distorted by dropouts and new recruits.

Since dropouts and new recruits were not present in all waves we could not use a cumulative drug advertising exposure measure for all five waves to find out the relationship between drug advertising exposure and readiness to take drugs among them. We therefore used drug advertising exposure in Wave V instead. The relationship between this measure and readiness to take drugs is similar for dropouts (Tau $C=-.02^{N.S.}$, $N=21$), new recruits (Tau $C=-.03^{N.S.}$, $N=322$) and those in all waves (Tau $C=.03^{N.S.}$, $N=276$). The relationships are all very similar to what we obtained with cumulative drug advertising exposure and readiness to take drugs among those present in all five waves. We therefore conclude that the findings presented in Figure V are essentially as they would be for the sample as a whole.

[48] There is no relationship between drug advertising exposure and either the "morality" of using "mood altering" drugs or the combined index of "readiness" and "morality."

[49] For most subgroups, the relationship between readiness to take drugs and drug advertising exposure was absent. We did find weak positive relationships in two groups, those with high grades in school ($N=155$) and those who spent a lot of time with a group of their friends ($N=181$). However, among those same subgroups there was no relationship between readiness to take drugs and use of illicit drugs. For those with high grades, Tau $B=.04$ N.S. ($N=158$), while for those who spend a lot of time with a group, Tau $B=.16$ N.S. ($N=185$).

The last part of the analysis was addressed to another possible indirect link between exposure and use of illicit drugs—through the formation of an attitude of readiness to take drugs. This attitude measure was somewhat related to use of both proprietary and illicit drugs, but there was no evidence that an attitude of readiness stems from exposure to drug advertising on television.

The conclusion, at this stage in our analysis, is that the data do not support the contention that drug advertising leads teens to take illicit drugs either directly or indirectly. To the contrary, the data indicate that it is the lighter viewer of drug advertising on TV who is more likely to use illicit drugs than is the heavier viewer. This finding suggests that light use of television may be as legitimate a subject of concern and study as heavy television use historically has been.

Our investigation did find some evidence that an attitude of readiness to take proprietary drugs may be a factor, albeit a small one, not only in taking proprietary drugs, but also in using illicit drugs. This may be some indication that a "pill popping" culture does in fact exist. That television does not seem to play a role in the formation of this attitude raises the question of what is responsible for it, as well as why such readiness is associated with illicit drug use. It would seem worthwhile to get some answers to these questions as well.

Television's ubiquity leads easily to the surmise that it is a strong force directly and indirectly shaping many aspects of social development. This paper addressed itself to one such specific surmise—adopted by both serious political figures and scholars as well, that television is in part responsible for society's drug problem. The analyses presented here not only find no evidence to support the contention, but uncovered much evidence, both in our own research and in the as yet unpublished research of others, that the true link between television viewing and illicit drug use is actually contrary to that thought to be the case.

APPENDIX D

APPLYING BUYER BEHAVIOR ANALYSIS TO SOCIAL PROBLEMS: THE CASE OF DRUG USE

(By James Hulbert)

This study reports on a survey of television exposure and drug use among 990 college students. The results suggest that, contrary to often-voiced public concern, television and television advertising of proprietary drugs do not appear to be important influences on drug abuse.

This paper describes a survey of usage of proprietary and illicit drugs among college students. It was designed to focus on the alleged relationship of television and television advertising to illicit drug use. Rather than viewing this relationship in isolation, however, a variety of demographic and personality measures are utilized—as would normally be the case in any buyer behavior analysis—in order to assess differences among segments and to estimate the relative importance of television and advertising exposure compared with other possible influences on drug usage.

BACKGROUND TO THE PROBLEM

The dramatic increase in drug abuse in the late 1960's was accompanied by growing public recognition that a social problem previously seen as belonging to the urban ghetto was now afflicting the middle class. The possible role of television and television advertising in helping to create the "drug culture" became a subject of continuing controversy. The renewed activism of the consumer movement and questioning of the overall social role of television and advertising probably served to stimulate public concern.

The 1970 Senate Consumer Subcommittee Hearings provided the vehicle for articulating many of these concerns. According to Senator Moss, these hearings were designed to:

> . . . explore one suspect seminal source of the drug culture: advertising—not only the direct advertising of drugs, but a troublesome spectrum of questionable advertising forms, themes and techniques. [1, p. 1].

The problems emphasized by Moss were that promotion of non-prescription drugs could lead to drug dependency and vulnerability to drug abuse and that promotion of proprietary drugs together with cigarette and alcoholic beverage advertising combined to teach that:

> . . . success and happiness lie, not in the internal mastery of self, based on discipline and strength of character, but in a variety of external stimulants [1, p. 3].

These views received support from a number of speakers during the hearings, but the only empirical research directly related to the problem was that presented by Kanter, [1, pp. 101–28]. He described a three-phase study on fifth, seventh and eleventh graders in Southern California. The first phase consisted of a recall study of television programs and advertising. He concluded that there was "no indication that pharmaceutical advertisements were easier to recall than other heavily advertised product categories [1, p. 103]." In phase two, Kanter measured "attitudes toward drugs and other hypothetically related factors [1, p. 103]." He found that family attitudes strongly influenced student attitudes towards legal and illegal drugs, but that peer-group influence and curiosity were the most important factors leading to trial of illegal drugs. Furthermore, marijuana usage was found to be higher in families that consumed alcoholic beverages and depressants, but was unrelated to family cigarette consumption.

The final phase of Kanter's study involved copy-testing, where students were exposed to television advertisements of two brands of cigarettes and four brands of proprietary remedies. The intent was to measure student reactions to the commercials "according to the same criteria used in the advertising business [1, p. 125]." Fifth-grade students liked and appeared to believe the advertisements more than older children, while users of pep pills and/or marijuana "seemed to be less negative toward and more receptive to the six advertisements than were the non-users [1, p. 103]."

Despite the acknowledged limitations of Kanter's study, it offers clues to some of the variables that might influence drug usage and suggests that the problem is researchable using fairly standard marketing research techniques. The findings also reinforce the viewpoint of Done, namely that research in the area of television advertising exposure and drug use should not be narrowly conceived lest it "walk right past other possible causes [1, p. 16]." For these reasons, the study to be described included measures on a wide variety of variables besides television viewing.

METHODOLOGY

The two segments most "at risk" to the drug abuse problem are schoolchildren and college students. This study reports on a cross-sectional survey of 990 college students (predominantly undergraduate) drawn from campuses in the New York metropolitan area. The questionnaires were administered by students who were instructed to give respondents privacy while they were answering.

The questionnaire itself was a broad-ranging instrument, including measures of the amount of television viewed during weekdays and weekends, a measure of advertising recall for drug-product advertising in general and a measure of unaided recall of advertising of branded proprietary remedies. Besides the usual demographic variables, there were a number of questions directed at family background, including church-going frequency, parental smoking and drinking habits, mobility and family integration. The potential importance of these variables was suggested by the Kanter study [1, p. 103]. Psychological variables included opinion leadership/follower items, items from the Rotter I/E scale [2, pp. 1–28] self-confidence and innovativeness.

Respondents were also asked to report the extent to which they suffered ailments for which proprietary medicines were advertised, including, for example, upset stomach, nervousness, headaches and sleeplessness. Usage questions included a variety of commercial remedies, but also went to cover alcohol, cigarettes, marijuana, barbiturates, amphetamines, LSD, cocaine and heroin. For these latter substances, respondents were asked about the circumstances under which they first tried the substance, as well as the extent to which they were used by their friends.

Analysis was performed in two parts. Cross-tabulation and chi-square tests were used on the whole sample to test the alleged relationship between television, television advertising and drug abuse. The sample was then split into an analysis sample and a test sample. Regression analysis was used on the analysis sample to investigate tentative relationships drawn from accusations and relevant behavioral theory. Observed relationships were then tested on the validation sample.

FINDINGS

Reported trial rates ranged from a high of 87.7% of the sample for alcohol to a low of 9.2% for heroin (Table 1). Trial of marijuana was about equal to that of cigarettes, and was only exceeded by alcohol. Table 2 indicates that initial trial of most drug appears to take place in small groups or with a boy-friend or girl-friend. For alcohol, first trials frequently occurred with parents or at parties, and for cigarettes and amphetamines initial trial often occurred alone.

Table 1.—Percentage of respondents reporting at least one trial

Substance:	*Percent*
Alcohol	87. 7
Amphetamines	32. 1
Barbiturates	25. 6
Cigarettes	63. 9
Cocaine	21. 9
Heroin	9. 2
LSD	21. 6
Marijuana	64. 5

TABLE 2.—CIRCUMSTANCES OF FIRST TRIAL

	Percentage reporting each circumstance						
Substance	Alone	With boy-friend or girl-friend	With small group of friends	At a party	With parents	Total	Number reporting usage
Alcohol	8. 0	32. 7	52. 6	5. 3	1. 3	100	(226)
Amphetamines	28. 6	28. 6	36. 6	3. 3	2. 9	100	(226)
Barbiturates	14. 7	31. 5	45. 0	6. 0	2. 8	100	(251)
Cigarettes	32. 7	25. 6	35. 1	4. 0	2. 7	100	(676)
Cocaine	10. 3	32. 0	46. 9	5. 7	5. 2	100	(194)
Heroin	8. 6	37. 1	50. 0	4. 3	0	100	(70)
LSD	8. 0	32. 7	52. 7	5. 3	1. 3	100	(226)
Marihuana	5. 2	32. 8	53. 7	6. 8	1. 5	100	(618)

Television and drug use

The hypothesis of association between television viewing or television advertising and drug use was tested using chi-square analysis. Two advertising recall measures were used. The first, called "drug recall" simply asked if the respondent recalled seeing any television advertising for drug products. The second, called "brand recall" was the sum of the number of brands or proprietary remedies for which television advertising was recalled without aid. Usage of illicit drugs was tested against both these variables, but only in the case of marijuana did a significant relationship emerge. Usage of marijuana was significantly associated with "brand recall" (Chi-square=6.07, 1 df., $p<.025$), and this positive relationship was supported on the "drug recall" measure (Chi-square=11.38, 5 df., $p<.05$).

The two other television questions dealt with weekday and weekend television viewing habits. No significant relationships between drug usage and weekday viewing were found. However, in the case of weekend viewing, there were a number of significant negative relationships. These suggested that the more weekend television the student reported watching, the less likely he was to use marijuana (Chi-square=9.12, 1 df., $p<.005$), barbiturates (Chi-square=5.91, 1 df., $p<.025$), LSD (Chi-square=21.8, 1 df., $p<.001$), and cocaine (Chi-square =8.43, 1 df., $p<.005$). There was no such relationship for heroin or amphetamines.

Regression analysis

All regression analysis was performed in two stages. First, a stepwise regression was run on the analysis sample. Independent variables whose coefficients had T-values greater than 1.96 ($p<.05$) were "stepped" into the equation. For the validation sample, these variables were then entered as a group, and the resulting estimates compared with those obtained on the analysis sample.

USAGE OF PROPRIETARY DRUGS

Table 3 shows regression estimates for usage of proprietary drugs as the dependent variable. The dependent variable was created by summing the reported usage for all the proprietary remedies included in the questionnaire. Although fewer coefficients are statistically significant in the replication, the signs correspond and none of the coefficients estimated from the validation sample is significantly different from those based on the analysis sample.

The estimates indicate that usage of proprietaries is significantly lower among men, and among Black and Oriental students. A family history relatively free of health problems is a negative influence on consumption of proprietaries, but the more parents were inclined to drink, the greater the reported usage. The most important independent variable was the "symptom index", based on aggregate reported incidence of ailments for which proprietary remedies are available. None of the television or television advertising variables was significant in either test.

USAGE OF "HARD" DRUGS

Corresponding to the aggregate index for usage of proprietary drugs, an index for usage of "hard" drugs was created by summing usage responses for LSD, amphetamines, cocaine, heroin and barbiturates. Again, the regression analysis using the validation sample has fewer significant coefficients than that using the analysis sample, but signs are consistent and corresponding coefficients in the two equations are not significantly different from each other.

As Table 4 indicates, the most important independent variable is friend's usage of "hard" drugs, followed by the respondent's aggregate usage of proprietary drugs, (the dependent variable of Table 3). White students appear to use "hard" drugs more, as do more innovative students. On the other hand, living with parents and more frequent church-going are associated with lower usage. A number of symptoms appeared to be associated with "hard" drug usage: nutritional problems in particular may probably be viewed as a consequent. Neither advertising recall variable was significant, but a negative relationship with amount of weekend viewing was found for the analysis sample and confirmed by the validation sample.

TABLE 3.—REGRESSION EQUATIONS FOR AGGREGATE USAGE OF PROPRIETARY DRUGS

		Coefficients of independent variables							
		Demographics				Family background		Psycho-logical	
Test and dependent variable	R^2	Years public school	Oriental	Black	Sex	Parents drink	Family healthy	I-E	Symptom index
Stopwise (analysis sample) Usage of proprietary drugs	*0.317	**0.065	*−1.751	†−1.135	†−.870	*0.281	**−0.237	**0.100	*0.227
Replication (validation sample) Usage of proprietary drugs	*.317	.033	†−1.565	**−.912	*−1.246	†.226	**−.275	.029	*.252

*Significant at $p<0.001$.
†Significant at $p<0.01$.
**Significant at $p<0.05$.

TABLE 4.—REGRESSION EQUATIONS FOR AGGREGATE USAGE OF "HARD" DRUGS

		Coefficients of independent variables									
			Family background			Symptoms					
Test and dependent variable	R^2	Demographics White	Churchgoing	Live with parents	Psychological innovativeness	Depression	Allergies	Nutrition	Aggregate proprietary drug usage	Media/TV weekend viewing	Friends usage of "hard" drug
Stopwise (analysis sample) usage of "hard" drugs	*0.498	**0.679	**0.211	†−0.712	**0.307	†−0.251	**0.313	**0.306	**0.110	†0.132	*−0.343
Replication (validation sample) usage of "hard" drugs	*.497	.444	**.244	−.340	.093	−.245	.068	.099	*.148	**−.111	*−.373

*Significant at $p<0.001$.
†Significant at $p<0.05$.
**Significant at $p<0.05$.

DISCUSSION

This study confirms several of Kanter's findings. For college students, as for schoolchildren, peer-group relations and family background appear to be important factors in usage of drugs. Drugs were generally tried first in small groups, and usage was heavily determined by friends' usage. However, drugs were used less by students who lived at home and went to church more frequently.

The overall pattern of results suggest that television and television advertising are generally not factors linked to usage of illicit drugs. The negative relationship of weekend television viewing and "hard" drug usage is probably best explained by a distribution-of-time hypothesis—those students who are sitting around watching television on weekends are not likely to be using "hard" drugs. The only significantly positive relationship observed was that between advertising recall and marijuana usage. Nonetheless, in general it would appear that the oft-expressed fears about television's contribution to the "drug culture" receive little support from the results of this study. The finding that usage of proprietary drugs was associated with usage of "hard" drugs does raise some troubling questions about the overall drug problem.

Finally, though further analysis remains to be performed, it appears that fairly standard marketing research techniques can be applied to gain understanding of the social problem of drug use.

APPENDIX E

THE RELATIONSHIP BETWEEN TELEVISION ADVERTISING AND DRUG ABUSE AMONG YOUTH: FANCY AND FACT[1]

(By Donald E. Payne, Ph. D., Director of Research, Oxtoby-Smith Inc., New York, N.Y.)

ABSTRACT

Television advertising of over-the-counter drugs has been suspected of being a contributing factor in drug abuse among youth. Recent research suggests that these suspicions are ill-founded. What is worse, they focus attention, effort and resources on a factor which is simply irrelevant to the problem.

In the recent past, a number of scientists, legislators and others have expressed the view that there is a connection between exposure to over-the-counter drug advertising on television and the use of illicit drugs by youth, e.g., U.S. Senate [*1*], Kramer [*2*].

Two different mechanisms have been hypothesized:

The first assumes that the advertising of over-the-counter drugs directly tempts youths to try them. The advertisements lead them to believe that the advertised drugs will enable them to solve or to escape from their problems. When the over-the-counter drugs do not lead to the expected results, the youths seek more effective drugs. They are, accordingly, likely to engage in further experimentation with drugs and, sooner or later, with illicit drugs.

The second mechanism assumes that the advertising of the over-the-counter drugs does not "directly" tempt youths to experiment with the advertised drugs. What it does—by showing that drugs solve personal problems, make miserable mothers happy, soothe anxieties, and the like—is to encourage the view that solutions to problems are to be found in drugs.

Plainly, the two mechanisms are not mutually exclusive; both may and presumably do operate simultaneously.

However, scientists who have reviewed the literature on drug abuse have repeatedly discovered that there was little evidence to support the hypothesis or to refute it (Kramer [*2*]; Kanter [*3*]; Hanneman [*4*]; Milavsky, Pekowsky and Stipp [*5*]; Oxtoby-Smith Inc. [*6, 7, 8*]).

In fact, until recently there has been virtually no research at all which had any direct bearing on the hypothesis. What little there was, was inconclusive. Kanter [3], for instance, showed that students in his surveys believed *other* people might be influenced by over-the-counter drug advertising—especially "younger kids" and "people who watch television a lot"—but did not believe their own behavior was affected.

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[1] The work on which this article is based was supported by a contract from The Proprietary Association, Washington, D.C. The analysis and conclusions are solely the author's.

Nevertheless, belief in the effects of over-the-counter drug advertising on illicit drug use by youth has persisted. It has even intruded upon the objectivity of some reports.

For example, in their report prepared for the National Commission on Marihuana and Drug Abuse, Barcus, Goldstein and Pinto [9] concluded in part:

"It might be argued that there is nothing in this report which demonstrates any relationship between the content of drug commercials and effects on the audience. In a sense this is true." (p. 648)

If they had stopped at that point, one could not quarrel with their objectivity. However, they then added that, since people watch television and buy products advertised on television, and since drugs are advertised on television:

"Therefore, we must assume some kind of effect of drug commercials on the audience.

Thus, if action in the area of drug use and abuse is necessary, and even though drug advertising may not be cited as the 'cause,' it should be considered as a contributory factor. And contributory factors must be treated as casual if the responsibility for action is not to be shifted from place to place." (p. 648)

In short, even though there is no evidence against television advertising, we better hold it to blame or we may not find anyone to blame.

Within the past year, however, two separate studies have been reported which do provide evidence bearing directly on the issue of television advertising's contribution to youthful drug abuse. Neither supports the hypothesized relationship.

THE MILAVSKY, PEKOWSKY AND STIPP STUDY

Milavsky presented the preliminary report of his study at the annual meeting of the American Association for Public Opinion Research in June 1974. Subsequently, a detailed written (but still unpublished) report has been distributed. This review is based upon the detailed written report (Milavsky, et al., [*5*]).

The research was based upon five waves of interviews among boys in low and middle income black and white families in two midwestern cities. The interviews were conducted between May 1970 and May 1973.

Milavsky's research design considered both direct and indirect relationships between exposure to drug advertising on television and use of marijuana and other illicit drugs.

His measure of exposure to drug advertising was based upon reported recent viewing of about 50 programs and 10 movies during each wave of interviews. Viewers were credited with exposure to all drug commercials shown during any programs they viewed. Their "score" on exposure to drug advertising was the cumulative count of drug commercials which they could have seen.

His measure of drug use was based on reported usage of eight to ten proprietary drugs and five illicit drugs—marijuana, "speed," "acid," heroin and cocaine.

Milavsky, et al. reported the following relationships:

Cumulative exposure to proprietary drug advertising was related to proprietary drug use.

Cumulative exposure to proprietary drug advertising was *negatively* related to use of marijuana and other illicit drugs.

Further, when the data were examined while controlling for age, race, relationship with parents, and the like, no subgroup was found in which the relationship between exposure to proprietary drug advertising and use of illicit drugs was positive.

Usage of proprietary drugs was not related to subsequent usage of illicit drugs.

An attitude measure of "readiness" to use drugs (measured by agreement with statements more or less favorable to drug use for self-medication) *was* related to usage of illicit drugs. However "readiness" was *not* related to exposure to proprietary drug advertising.

The authors concluded:

"The conclusion, at this stage in our analysis, is that the data do not support the contention that drug advertising leads teens to take illicit drugs either directly or indirectly. To the contrary, the data indicate that the heavy viewer of drug advertising on TV is less likely to use illicit drugs than is the light viewer." (p. 24)

THE HULBERT STUDY

Hulbert [*10*] examined the relationship between drug usage and a number of other variables, including television viewing, among college students in the New York City area.

His data, based on questionnaire responses from 990 students, included responses on questions covering television viewing; drug advertising recall; usage of proprietary drugs, alcohol, cigarettes, marijuana, barbiturates, amphetamines, LSD, cocaine and heroin; and demographic and attitudinal information.

He reported the following relationships:

There were no positive relationships between amount of television viewing and use of any illicit drugs. Indeed, amount of "weekend" television viewing was *negatively* related to use of some drugs (e.g., marijuana, barbiturates, LSD and cocaine).

Recall of proprietary drug advertising and brand names was unrelated to use of proprietary drugs.

Recall of proprietary drug advertising and brand names was related to use of marijuana, but not to any other illicit drug.

Hulbert concluded, in part:

"The overall pattern of results suggests that television and television advertising are generally not factors linked to usage of illicit drugs." (p. 8)

In short, both the Milavsky, et al. and the Hulbert studies provide evidence that exposure to drug advertising on television does *not* lead to the use of illicit drugs by youth. There is as yet no evidence that it does.

DISCUSSION

It is increasingly plain that, if drug advertising on television contributes at all to illicit drug use by youngsters, that contribution has so far been undetectable.

It means, further, that the burden of proof is on those who would hold otherwise in the face of the evidence.

Arguments could be raised in support of the hypothesized relationship between drug abuse and drug advertising, despite the evidence which indicates there is none.

It could be argued that two studies are insufficient to disprove the hypothesis, and furthermore, that there was even one supportive finding in Hulbert's data. As scientists we must, however, acknowledge the weight of emerging evidence. Plainly the question is not closed, but those who would support the hypothesis must do so in the face of impressive contrary data.

Perhaps a more searching argument would be that the relationship between drug advertising and drug abuse is not so simple as formerly believed. Perhaps the effects of such advertising can only be detected if there are special predisposing elements present—e.g., certain unhealthy family relationships. It remains, of course, for those who believe that, to specify those predisposing elements.

CONCLUSION

The present weight of evidence suggests that proprietary drug advertising is being made a scapegoat.

Indeed, it is a plausible villain. Advertising is ubiquitous; it can also be tasteless, boring and inane. Many people do not like it—including social scientists.

Drug abuse among youth is troublesome, frightening, widespread and disturbingly difficult to deal with or control. Its consequences—especially addiction to "hard" drugs—are often appalling.

Given these conditions—a troublesome problem and a plausible villain—it is not hard to see why drug advertising should be held accountable. In view of the recent research, however, that is not an acceptable scientific conclusion.

What's worse, it continues to focus attention, effort, and resources on a factor which is simply irrelevant to the reasons for use of illicit drugs by youth.

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APPENDIX F

CODE OF ADVERTISING PRACTICES

THE CODE

(As Revised February 21, 1973)

1. The package, label, and accompanying literature of a proprietary medicine should comply with the pertinent provisions of the Federal Food, Drug, and Cosmetic Act; and advertising of a proprietary medicine should comply with the pertinent provisions of the Federal Trade Commission Act.

2. A significant proportion of the total advertising of a proprietary medicine should include an effort to encourage the consumer to read and follow label directions.

3. Advertising of a proprietary medicine should not contain claims of product effectiveness which are not supported by clinical or other scientific evidence, responsible medical opinion, or experience through long use.

4. A proprietary medicine should not be advertised in a manner which suggests that it will prevent or cure a serious disease which requires treatment by a licensed practitioner.

5. A proprietary medicine should not be advertised in a manner which is likely to result in its use for other than its indicated conditions, or in a manner which suggests or implies that it is other than a medicine.

6. Advertising of a proprietary medicine should omit prizes, competitions, or other similar devices likely to stimulate unnecessary the use of medicine.

7. Advertising of a proprietary medicine should not include pictures or dramatizations which show ingestion of the medicine, except where it serves to inform the consumer as to the proper use of the medicine.

8. Advertising of a proprietary medicine should avoid representations by word or picture which, in reasonable construction, are commonly associated with the "drug culture" or which imply a casual attitude toward the use of drugs.

9. A proprietary medicine should not be advertised in a manner which is likely to lead to its use by young children without parental supervision. A proprietary medicine should not be advertised on programs or in publications specifically directed toward young children.

10. A proprietary medicine should not be advertised in a manner which depicts consumers continually relying on medicines as simplistic solutions to emotional or mood problems.

11. Advertising of a calmative, sedative, or stimulant proprietary medicine should refer to the temporary nature of the relief provided and should recommend the product for occasional use.

12. Advertising of a proprietary medicine should not falsify or be likely to mislead the consumer as to the contents, package size, appearance, uses, immediacy of relief, or effects of such medicine.

13. Advertising of a proprietary medicine should be accurate and truthful in the use of printed and spoken words, and in the use of pictures and sound in illustrative treatment of dramatization. Individual words should be carefully chosen not only with respect to one or more of their definitions in standard dic-

tionaries, but also with respect to their meaning as commonly and generally understood by the public.

14. In addition to the truthfulness of individual words, sentences, and paragraphs the sequence in which they are employed and the emphasis, comparison, or contrast involved should be free of connotations and implications which are contrary to that of the individually truthful words, sentences, and paragraphs.

15. Advertising of a proprietary medicine should contain no statement or dramatization which in its reasonable construction is likely to create fear or apprehension on the part of the reader, viewer, or listener that he or she is suffering, or may without treatment suffer, from any serious ailment.

16. When advertising of a proprietary medicine contains either the term "guaranty" or an offer to refund money paid by the purchaser, the product should be guaranteed only for use in the treatment of symptoms for which it is effective.

17. Scientific, consumer, or other studies referred to in advertising of a proprietary medicine should represent research performed and interpreted honestly and accurately. In addition, the results or conclusions of such studies should be presented to the consumer honestly and accurately.

18. Advertising of a proprietary medicine should be confined to the presentation of statements about the particular product advertised, its uses, results, and advantages. Unfair, derogatory reflections upon other products should not be practiced. Comparisons with competing products, if used, should be based on differences which are perceptible to the consumer in actual use or which can be supported scientifically.

19. Testimonials used in advertising for a proprietary medicine should be obtained only from actual bona fide users of the product and should be published only when authorized by such users. Testimonials should include statements of actual experience with the product and should not include statements of fact or opinion which exceed reasonable expectations of results from use of the product under recommended or under ordinary conditions.

20. Advertising of a proprietary medicine should contain no reference to doctors, hospitals, or nurses, whether American or foreign, unless such representations can be substantiated by independent evidence.

21. Advertising of a proprietary medicine should not identify spokesmen or persons participating in dramatizations as doctors, dentists, pharmacists, or nurses, even if they are members of such professions.

22. Advertisers should make every effort to insure that advertising for proprietary medicine is free of statements, illustrations, or implications which are offensive to good taste.

PREAMBLE

In 1934, The Proprietary Association formulated a voluntary Code of Advertising Practices for the guidance of the industry.

The Code has encouraged recognition of the industry's function as a public trust and emphasized the importance of high standards of advertising for proprietary medicines. The membership is keenly aware, however, that the Code must be reviewed regularly to assure its relevancy to the times.

Accordingly, the Code of Advertising Practices—which is applicable to proprietary medicines—was adopted in 1934 and revised in 1944, 1951, 1955, 1966, 1971, 1972 and, in 1973, was completely modernized and updated, implementation procedures were approved in 1967 and strengthened in 1969 and 1973.

The Code not only serves as a guide for compliance by the membership but—more importantly—approval of the Code by the Association is assurance that manufacturers of proprietary medicines are ever mindful of their responsibility in promoting and protecting the public interest.

Proprietary medicines are those medicines which by law are deemed safe for lay use on the basis of their labeling and formulation. They are generally intended for relief of symptoms, or for treatment of minor ailments easily recognized by consumers and usually self-limiting in duration.

Self-medication is the first line of defense against minor ailments and discomforts. The products commercially available for self-medication are carefully prepared, safe, effective remedies, labeled for their appropriate consumer use and are subject to the Federal Food, Drug, and Cosmetic Act.

Responsible self-medication has played and continues to play a vital role in the total health care delivery system of this nation. The products for use in self-medication are convenient, readily available, and inexpensive.

The advertising of proprietary medicines helps acquaint the public with these products and, therefore, assists in properly implementing the role of self-medication in the nation's health care delivery system.

The advertising of proprietary medicines must, of course, be truthful and honest and must meet high standards reflecting the nature of the products advertised. It is to this end that these guidelines are dedicated.

Each member of the Association is considered a member of a "committee of the whole" to observe and monitor the industry's advertising. It is each member's responsibility to make known—through the complaint procedures—any perceived Code violations, since primary responsibility for high standards in advertising rests with Association members.

COMPLAINT PROCEDURE

(As Revised December 4, 1973)

The Official Representative of any member who considers that another member's advertisement is in violation of the Code should lodge a complaint with the Association. The complaint should be brought to the personal attention of the Association's Chairman, and the Chairman will deal directly with the complaint. If the complaint in question should involve a product of the Chairman's company, or a product directly competitive with a product of the Chairman's company, then the complainant should not contact the Chairman, but instead should contact one of the following whose products would not be involved directly or indirectly in the complaint: first, the immediate past Chairman; second, the Vice Chairman; or third, one of the elected Vice Presidents. The Chairman, or other officer acting in his stead, shall advise the complainant as to the disposition of the complaint.

If the complainant is dissatisfied with the resolution of the complaint under these procedures, he may utilize the procedures established by the National Advertising Review Board (NARB) by filing a complaint with the National Advertising Division (NAD) of the Council of Better Business Bureaus, Inc. The NAD is responsible for evaluating, investigating, analyzing, and holding initial negotiations with an advertiser on such complaints.

The NAD/NARB is aware of the Code of Advertising Practices of The Proprietary Association and recognizes that it is based on the Association's past experience in evaluating advertising acceptability. In considering complaints submitted, the NAD/NARB may consider the detailed standards established by the Association's Code of Advertising Practices as precedents.

[Whereupon, 2:15 p.m., the subcommittee adjourned.]

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